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Reprisals in Delhi and Haryana Calculated Violence

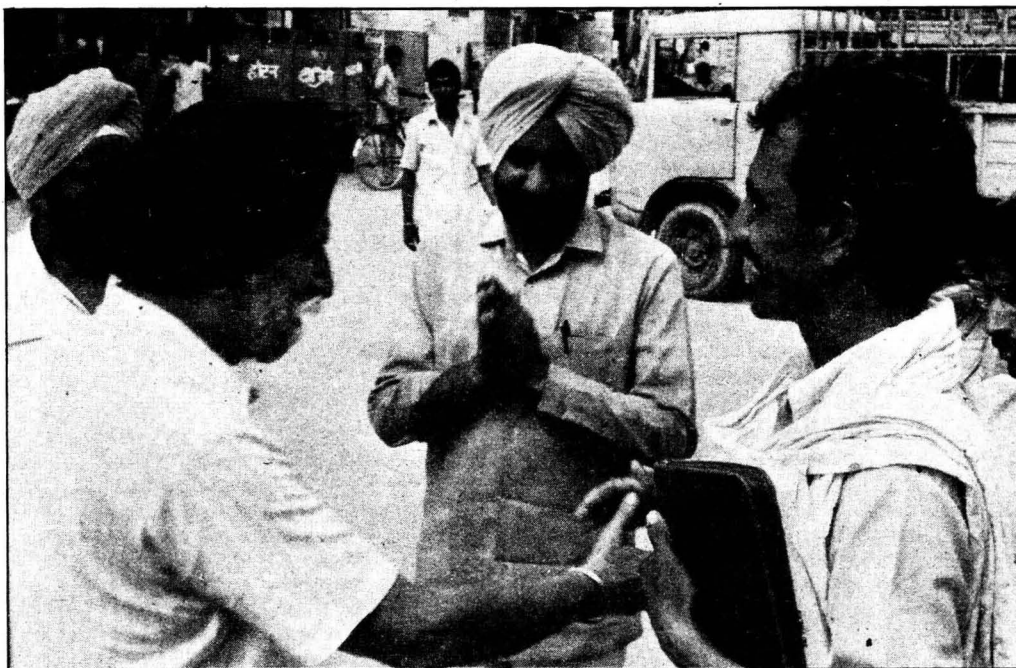
Forum Gazette News Service

Following the brutal killings of bus-passengers at Lalru and Daryapur civil peace failed yet another time leading to loss of life, property and tranquility achieved by the efforts of decades if not centuries. A team of the Sikh Forum, Delhi, headed by Lt. General J.S. Aurora (Retd) visited Hissar, Fatehabad and other places. Their findings reveal yet another sordid story of cynical power politics at the cost of innocent lives and long-term interests of the people of

India. A calculated manipulation of communal forces and the admixture of politics and crime stand out from the narratives of the victims, public activists and volunteers contributing to fact-finding efforts of the team.

National Highway 10 is one of the principal defence roads of the country. It links the base areas in the interior of the country to the crucial cantonments like Bathinda, Abohar, Ganga, Nagar, and Suratgarh. The rule of the

The violence which occurred in Sirsa, Fatehabad and Hissar (all located on the National Highway 10 and extending to one hundred kilometer strip) in the second week of July 1987 is a story of schemetised murder, arson and loot which is as heinous and dastardly as the massacres perpetrated by the terrorists. It also points to the power of the destructive forces over our destiny and defence.



Lt. Gen. J.S. Aurora (rtd.) M.P. talking to the victims of violence.

gangsters and arsonists on one hundred kilometers of this strategic highway is in itself a censure of the custodians of peace and order on which we depend for our defence and security.

The Principal Actors

The principal actors in this broad daylight crime as accounted for by the eye-witness field workers were: the bigoted communalists; petty politicians deprived of power and influenced by the recent elections in Haryana, and thirdly the lumpen elements in society lured by promise of plunder and loot. The combination of these elements with the other two provides organization and

direction to an otherwise amorphous mob, which is incapable of any sustained action, least of all for a long time. The attempts of this combination to murder, loot and burn the person and property of the minority community aimed at destroying the secular credentials of Devi

Lal. It would not have done much harm if not provided the benefit of indifference (in some cases abettment) by the police. This force responsible for the maintenance of public peace and order fared miserably. It is significant that whereas the volunteers working against this

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CRP Misrule Challenged

(From our Correspondent)

The incident on the 14th morning near Amritsar when a bus conductor was shot dead in cold blood sent shivers of anger and protest throughout the state. Buses stopped running and there was a 'Hartal' which could be settled only on the third day.

What is surprising about a PEPSU Roadways driver not giving way to a CRP jeep which wanted to overtake it? This happens everyday and with a large number of people. But the CRP believes that it is running the state. The CRP driver could not pocket this insult. As soon as he could overtake that bus, the CRP man tried to settle the score. That it ultimately led to the murder of an innocent bus conductor and a total protest by the whole community of drivers and conductors should not have come as a surprise.

The transport community refused to accept offer of the

Inspector General of Police, Mr. Riberio, to have an enquiry conducted. It is not because they were opposed to an enquiry but because most people thought it was a device for avoiding the punishment rather than for identifying the guilty. What people demanded was action on the spot, and not many months and years later.

According to the final settlement, compensation is being paid to the family of the bus conductor, Harpal Singh. His family will get full salary till the day when he should have retired and after that, pension as earned by him. Meanwhile, a member of the family would also be given a job. In addition, an enquiry by a magistrate into the incident is to be conducted and the report of the enquiry is to be submitted within ten days. The authorities have also agreed to the suspension of the CRPF

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The Saw-mill burnt to ashes in Fatehabad

Can Gorbachev's Vodka Boost Rajiv's Saging Spirits

—R.S. Chhatwal

Festival of India in Moscow provided Mr. Rajiv Gandhi an opportunity to boost his low spirits after massive defeat in Haryana elections. Mr. Gorbachov willingly extended the help. Times of India reported Mr. Gorbachov's assertion in the presence of Mr. Rajiv Gandhi that they have discussed "internal situation in India in detail with care". Further since the two leaders met in Nov. 86, the situation has undergone change—attempts are being made to destabilise the situation in India and finally opined that "the current disturbing political situation in India would soon blow over".

Most recent convert to Rajivism, the Times of India, brought out three articles on three consecutive days. On 6 July 1987 under "Moscow backs Rajiv" it said "Mr. Gandhi will doubtless attract the charge of inviting Soviet intervention in the country's domestic affairs". But makes Rajiv believe "that need not, however, worry him over much". On the 7 July under "The Soviet backing for Rajiv" it wrote "quite obviously the Prime Minister was eager to pre-empt criticism at home that he had sought Soviet intervention to help him". He recalled an old diplomat's advice "never explain never apologise". But went on to caution "The Russian may not have reached the firm conclusion that the Prime Minister and ruling party are in a position to meet the crisis facing them". On 8th July again under "The Soviet Bogey" Mr. Giri Lal Jain laments "Mr. Gandhi spoke too soon on the subject. If he was a skilled politician (as Jain considered himself probably), he would not have tried to whittle down Mr. Gorbachov's statement that they had discussed everything under the sun including the internal situation in India". "Greater the furore our Soviet intervention in our internal affairs the better" and concluded the article by trying to shield Mr. Rajiv Gandhi "the

fall of Mr. Rajiv Gandhi and collapse of the Congress will lead to chaos".

Friendly Backing

The Telegraph, whose editor accompanied the Prime Minister to Moscow and is suspected of having a soft corner for Mr. Rajiv Gandhi came out under "a friend lends his backing" "never have the Soviets made it so clear on which side of an Indian political debate they are on". But welcomed the Soviet interference by pronouncing "whether this is not interference in the internal affairs of India. The truth of the matter is that this is an interdependent world, and the view point of the superpowers play a role in the affairs of their friends".

The Hindustan Times known for its pro-government view came out with a sizzler—"massage from Moscow" "Visit marks beginning of a new phase that Mr. Rajiv Gandhi is in a bit of a trouble, and they must lend him a helping hand and a reassuring word—"we are with you" and elucidated the stabilising forces working "with little evidence of a marked deterioration in the security environment around India since Nov'86, it is tempting to conclude that the Soviet appreciation of destabilising forces refer mainly to elements within country".

The Other View

All Indian newspapers can be separated, on this point, from the sheep and the goat, pro-congress papers and the national ones. The Statesman known for its independent views wrote under "Kremlin to the rescue" "it was a triumph for Soviet diplomacy for it has enabled Kremlin to win the Prime Minister's gratitude without giving India anything tangible but by interfering in its internal political affairs". Soviet game is "Rajiv Gandhi is the Kremlin's best friend in India and his rule therefore must be

protected and preserved" and also "flattering the Indian left into seeing itself as a national alternate". The paper again wrote under "Banking on Moscow"—"recent visit resembled a beleaguered satraps pilgrimage to pay homage to and seek comfort from the political overlord". Mr. Rajiv Gandhi has "converted India's treaty relationship with the Soviet Union into an instrument of party politics".

Indian Express which is giving a daily dose of Jethmalani's questions to Mr. Rajiv Gandhi under "stretching credibility" "the Soviet's have often proceeded on the premise that their interest's are best served by aiding a ruler under siege and thereby getting him in their debt". "The danger we face in India is that our Govt. is now headed by a Prime Minister who may be impelled to take a decision on vital matters not so much in accordance with what the country requires in the long term but what his political survival requires in the short".

Sunday Observer under "Ego-booster for Rajiv" wrote "Secretary General of CPSU chose to play the comforting Big Brother to the insecure Indian Prime Minister so that he can return home with his ego and image boosted tremendously".

Fortune India, a monthly on financial matters, in its July issue has its fortune teller say "Mr Rajiv Gandhi will be passing through a bad phase till Dec. 15, 1987". The effect of Karkotaka Naga ruling over the country continues. "However the Prime Minister may be able to overcome the difficult situation by putting in a lot of effort". Was the effort in Moscow one in that direction? But let us remember A.G. Noorani's Tailpiece: During the Watergate crisis the Soviets supported Nixon and criticised his opponents. Brezhnev told the American ambassador that he "respected the President for fighting back". That was in April 1974. A few months later Nixon had to quit.

Sound and Fury

The way things are moving it is doubtful whether the government at the Centre will complete its full term—

Jyoti Basu in Indian Express.

Mr. Rajiv Gandhi has been playing the historic role of presiding over the liquidation of the Congress empire—

Rajni Kothari in Indian Express.

There is no alternative to the leadership of Rajiv Gandhi—

A.R. Antulay in Indian Express.

It doesn't matter if removing a person like this one (Mr. Gandhi) creates chaos in the country for a while. We will bear it. Gandhiji told the British, you leave, we'll see the rest.

—Ram Jethmalani in Indian Express.

We have not won our freedom to mortgage it to the interests of others.

—Mr. Rajiv Gandhi in Telegraph

When the fire of hunger moves from the stomach to the mind, it will result in revolution.

—V.P. Singh, addressing a workers' rally in Bombay, Indian Express

Terrorism is a very long and hard war and it is not going to be wished away by President's rule or by Riberiro.

—Julio Ribeiro in Indian Express.

Problems cannot be solved with guns or state repression. Ultimately these will be solved around the table as it is the age of reasoning and not that of might is right.

S. Darshan Singh in The Indian Post

People used to criticize that Gandhiji was mixing religion and politics. In my opinion, it is necessary to mix religion and politics.

Mr. R. Venkatraman in The Statesman

Corruption had crept into the Congress (I) government at the Centre because the "mafia" was influencing the decision making machinery. The Prime Minister should own moral responsibility for the state of affairs in the country.

—Mr. V.R. Krishna Iyer in Telegraph.

Prime Minister had "undermined" the position of the President. Even an obstinate Prime Minister like late Mrs. Indira Gandhi had never tried to lay down the role of the President.

—V. R. Krishna Iyer in the Tribune

If anything happens to me the (Presidential) election will be postponed and you know how keen the Prime Minister is to get the Giani out of Rashtrapati Bhavan.

—Mr. Mithilesh Kumar in Statesman.

I will be a free man in July.

—Mr. Zail Singh in Statesman

In CPI (M) we never have two opinions. Even if we do, they are always private.

—Mr. E.M.S. Namboodiripad in Statesman.

I am more a leftist than anybody. I have given up my profession and have come to politics to serve the poor.

—Mr. N.T. Ramarao, in Statesman

If I say "Remove the money from the Swiss banks". They say "Remove V.P. Singh from the party"

—Mr. V. P. Singh in Statesman

We are maintaining law and order as your Government is doing in Punjab. There is no difference in our operation in the northern parts and the Indian Government's operation in Punjab—

(—Mr. A. C. S. Hameed, Sri Lankan Foreign Minister in Statesman)

"The Devil, a species of genie, tries to share everything with man—even his marital relations with his women."

—(Muqbil in Abu Dhabi daily-Al-Ittihad.)

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NEWSHOUND



By Rap



Has The Indian President Freedom of Information?

V.R. Krishna Iyer

Modelled substantially on the parameters inherited from the constitutional culture of the Buckingham Palace and No. 10 Downing Street, we may have to adopt, innovate and fashion an Indian Constitutional Jurisprudence which will uphold and advance the right of the people to good Government and harmonious relations between the President and the Prime Minister.

"I indeed tremble for my country when I reflect that God is just", said Jefferson. Many of us are disturbed likewise when we view our national scene now. For by a perversity of hide-and-seek the President and his Prime Minister have converted an interactive constitutional duality into an unseemly rivalry between presidential demand for sensitive discovery and ministerial cult of suspicious secrecy to the consternation of the nation, forgetting that when a man assumes a public trust, he should consider himself as public property, and issues affecting him must be the concern of the people lest apathy cost us our liberty.

A furious polemic has recently sprung about the power of the President to be informed about the affairs of his Administration. Is there a right to secrecy in the Prime Minister against his own President? Is there presidential authority to command compliance when information called for is denied or delayed? These issues cannot be discussed in vacuo but must be viewed in perspective in the political context of the system of government. So let us briefly analyse our National Charter and the political process organized thereunder. After a most exhaustive review of the case law and other weighty opinions, the Supreme Court in *Samsher Singh's* case ruled that:

"Our Constitution embodies generally the Parliamentary or Cabinet system of Government of the British model both for the Union and the States. Under this system the President is the Constitutional or formal head of the Union and he exercises his powers and functions conferred him by or under the Constitution on the aid and advice of his Council of Ministers."

"If the President, in a particular case where his own views differ from those of his Ministers, ultimately accepts their advice in deference to a well-understood convention, then even if the act should result in a breach of some 'fundamental right' or 'directive principle' enunciated in the constitution, the responsibility will be that of the ministers and not of the President."

Conventions

The oath of the President to preserve, protect and defend the Constitution

and the law must be read not in its textual literality but as conditioned by conventions of Westminster vintage. While British principles and practices have great persuasive value the Indian context and specific clauses of the Constitution will surely make a difference on critical occasions.

True, the lesser stature of the President of India like that of the queen of England, contrasts with the abundance of supremacy the text of the constitution vests in him. Is he then a mere verbal marvel and boneless wonder, no more than a functional cipher? No, and here is the haunting essence of his finer presence, often missed when extremes of power and powerlessness are attributed by partisans. In *Samsher Singh*, a separate but concurring opinion has floodlight this facet:

"Does this reduce the President, under the Indian Constitution, to a figurehead? Far from it."

Like the King in England, *he will still have the right 'to be consulted, to encourage and to warn.'* Acting on ministerial advice does not necessarily mean immediate acceptance of the Ministry's first thoughts. *The President can state all his objections to any proposed course of action and ask his Ministers in Council, if necessary, to reconsider the matter.* It is only in the last resort that he must accept their final advice. It has been observed that *the influence of the Crown and of the House of Lords as well in England has grown with every curtailment of its legal powers by convention or statute.* A similar result is likely to follow in India too; for as has been well said, "the voice of reason is more readily heard when it can persuade but no longer coerce".

Again, this subtle yet significant role has been vivified in a later paragraph:

"The President in India is not at all a glorified cipher. He represents the majesty of the State, is at the apex, though only symbolically, and has rapport with the people and parties, being above politics. His vigilant presence makes for good government if only he uses, what Bagehot described, as, 'the right to be consulted, to warn and encourage' Indeed, *Article 78 wisely used, keeps the President in close touch with the Prime Minister on matters of national importance and policy significance, and there is no doubt that the*

imprint of his personality may chasten and correct the political government, although the actual exercise of the functions entrusted to him by law is in effect and in law carried on by his duly appointed mentors, i.e. the Prime Minister and his colleagues. In short, *the President, like the King, has not merely been constitutionally romanticised but actually vested with a pervasive and persuasive role.* Political theorists are quite conversant with the dynamic role of the Crown which keeps away from politics and power and yet influences both".

Constitutionally Relevant

The President is largely ceremonial yet constitutionally relevant, capable of exercising his 'right to be consulted, to warn and encourage', his moral authority, his power to object and to ask the Cabinet to reconsider but finally say 'amen'. That is how he plays his part to run the country on, the constitutional rails.

To defy the Cabinet is to violate the Constitution; but not to demur and demand reconsideration when he disagrees with its wisdom is to desert his triple duties, seemingly limited but pregenantly strategic. The vital nexus between the head of state and the nation's ministers is best condensed in Article 78 which is the nidus of the President-Prime Minister relations. Carefully drawn, reflecting the progressive essence of the British position, are three comprehensive responsibilities of the Prime Minister vis a vis the President, calculated to enable the latter to fulfil his obligations under Constitution:

- The decisions of the Cabinet must be communicated to the President so that he may know the working of his Government and bring his influence to bear thereon to the advantage of the country.
- Similarly, the Prime Minister is duty bound: "78(b)-to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for."
- If in the informed judgment of the President there is room for reconsideration by the Cabinet of any matter on which a decision has already been taken by a minister, he may require the Prime Minister to place it for the purpose before his Council. Thus an intimate mutuality and active interaction between the President and the Prime Minister are the fundamental assumptions

of the constitutional equation.

The President's power to call for information is central to his function under the Constitution to persuade the Cabinet and to 'state all his objections to any proposed course of action and...to reconsider the matter'. The demand for information is a feed-back needed to fulfil his office as mentor or counsellor exercising 'a sure and commanding Influence' (William Paley). How can the President encourage or caution his Cabinet or require it to review its decision? Not by mediation but by information refined by reflection.

The panoply of presidential powers is more a verbal display but still leaves a residuum at once real, even critical. These functions and prerogatives, which as a trustee under the Constitution he is bound to discharge, necessitate a happy, healthy and continually operative relationship with his Prime Minister. This is conscience of the Cabinet system and any subversion of this essential principle of mutual communication may deadlock the processes and defeat the Founding Deed itself.

Despite this clarity regrettably Constitutional pettifoggery, in blind *bhakti*, has gone to the absurd extent of contending that Article 78 is handcuffed by Article 74. The argument is that the President may call for such information from the Prime Minister as he is advised by the Prime Minister—a reduction ad absurdum! How is he to warn, counsel and urge reconsideration of ministerial action if he has no means of being briefed? Should President ask such questions of the Prime Minister as the Prime Minister asks him to ask? Constitutional puppyry of this order is attribution of tomfoolery to the Founding Fathers. Nor indeed is such a goofy gloss found to hold good in Buckingham Palace. With charity for the sanity of the Constituent Assembly we may read the constellation of provisions to mean that the President is, in ordinary circumstances, bound to act on, only on, and only to the extent of, the advice given to him by his Cabinet. This drastic limitation on the Presidential personality notwithstanding, he has a counselling function, a sentinel's obligation which plays benignly upon the Cabinet's governance. The freedom of information



necessary for Presidential fulfilment of constitutional functions is limited, nevertheless not illusory. He cannot cross-examine the Cabinet but may interrogate for or seek discovery of essential information pertinent to his powers.

Article 78(b) is wide in its terms and sweeping in its semantics although confined to seeking and securing facts relating to the Union Administration. When the President asks that he be furnished facts, the only questions which control the supply of these are: does the information relate to the administration of the Union or to the proposals for legislation? Is it information that is being called for or mere speculation or surmise, or fishing exercise? There is no restriction beyond these two. After all, in law the President is the repository of the entire Executive power of the Union and even though he cannot exercise a wee bit of this power, his awareness of what is happening in his Government is a basic postulate. There is no secrecy between him and his Government. It is not as if he is not part of the Government. He is even part of Parliament (Art. 74). Nothing justifies a constitutional iron curtain between the President and the Prime Minister. On the contrary, Article 78(b) is an opposite mandate.

Imagine Governors in non-Congress States being told by the Chief Ministers that they decline to answer when information is sought. Indeed, the Rajpals sometimes behave beyond constitutional boundaries and deserve to be rebuffed. Never in the history of this country has any Governor been told by any Chief Minister that the information he seeks under Article 167(b) will not be furnished. If any of them had

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"The one clear rule is the sovereign is entitled to the fullest information in any sphere in which he has indicated desire to be kept informed and must be given it on any issue which comes before him. The rule does not help effectively so as to prevent disputes arising as to failure to inform, but it precludes refusal to supply when asked for."

The Plight of Dalits Since Independence

B. R. Senlaray

It has been reported by the Commission for SC and ST that from the year 1980 onwards, the number of atrocities on Scheduled Castes has been constantly rising and in 1982, as many as 15054 cases of atrocities were registered as against 14308 in 1981 and 13866 in 1980. The highest number of atrocities was registered in Madhya Pradesh during the years 1981 & 82, followed by Uttar Pradesh, Bihar and Rajasthan in descending order.

Freedom from exploitation and oppression was the cry of the struggle for independence. Hence after independence social and economic justice became the corner-stone of the constitution of the Indian Republic. The span of four decades is a long enough period to take stock of the plight of the exploited, oppressed, depressed and down-trodden in sharing the real fruits and concrete benefits of independence and not Joothan and chatan (crumbs) as Dr. Ambedkar used to say.

The division of society on varna system resulted in abominable caste system striking at the very root of human dignity. Thus, a large section of the society was reduced to social and moral degradation and economic deprivation. The aryan patrimony and the feudal system which was based on the right of acquisition by grade and favour from above, added insult to the injury and the masses who were called untouchables lived a life of abject poverty and had inhuman existence and what not! The British Govt. also did not pay much heed to their miserable plight. They continued to follow dirty professions and unremunerative roles to eke out their livelihood. Gandhiji gave a moving picture of their deplorable conditions:

"Socially they are lepers. Economically they are worse than slave. Religiously they are denied entrance to places, we mis-call houses of God. They



are denied the use on the same terms as the caste Hindus of public roads, public schools, public hospitals, public wells, public parks and the like. In some cases their approach within a measured distance is a social crime and in some other rare enough cases their very sight is an offence. They are relegated for their residence to the worst quarters of cities and villages where they practically get no social services. Caste Hindu lawyers and doctors will not serve them. Brahmins will not officiate at their religious functions..."

Out Castes

Collectively, these impoverished and destitute groups have been described variously as "out-castes", "exterior castes", "untouchables" and "depressed classes" and given inferior status in society which gave birth to untouchability and oppression in the name of caste, forced labour and begar etc. They are spread in various parts of the country.

Old systems die hard, it is all the more difficult in cases where vested interests operate to continue them for their own benefit. Even during the British rule these disabilities continued. Social and economic revolution in a country is a long and difficult process. The increasing gap between the rich and the poor, the life of misery and humiliation and educational and social work of Christian missionaries created some upheaval amongst the depressed castes and tribes. The other social and missionary institutions and organisations also sensed the feeble waves of resurgence and felt the need of giving attention towards the people who were depressed, deprived, oppressed and exploited for centuries.

Movement for social change was initiated by Raja Ram Mohan Roy and Swami Dayanand. Gandhi Ji felt that no penance that the Hindus might do could in any way compensate for the calculated degradation to which they had consigned the depressed castes for centuries. At that time the Messiah of the depressed classes Dr. B.R. Ambedkar appeared on the political scene, who intimately knew the ills and disabilities from which they suffered as he was one of them.

He worked for their uplift,

their self-respect and dignity and ardently fought for their equality in the society. He gave his whole life for their cause which was so dear to him. As a result of the crusade of Dr. Ambedkar during the British regime, the depressed classes and the tribes were given special representation under the Govt. of India Act, 1935 and such castes and tribes were listed as Schedules of the Act. Thus the terms Scheduled Castes and Scheduled Tribes came in vogue.

In the Freedom Struggle

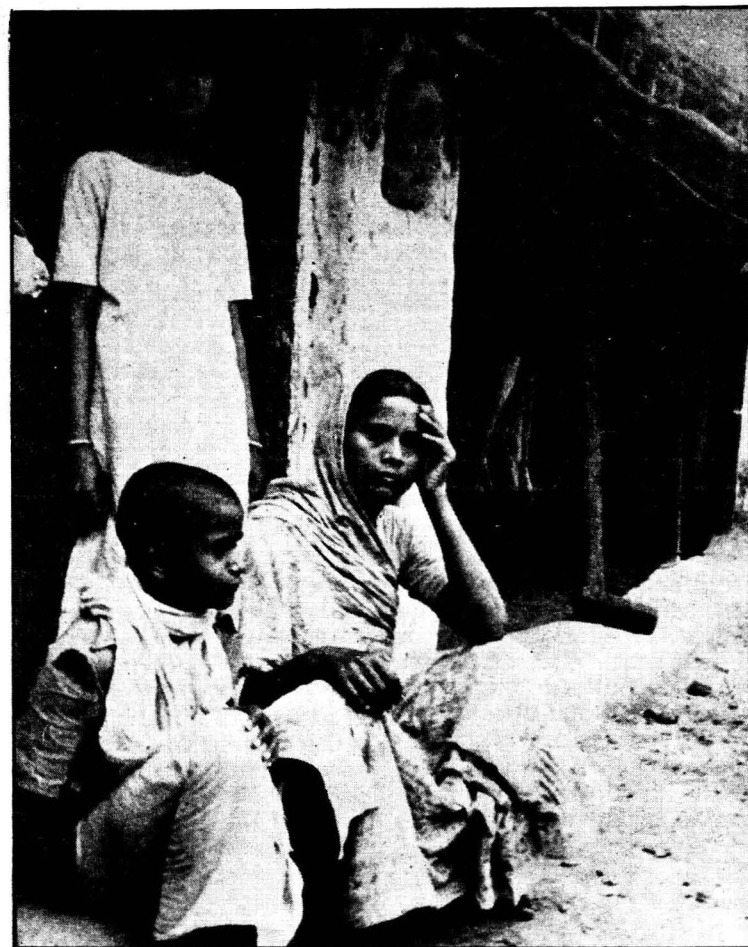
Our freedom struggle was launched on the basis of certain values. The national leaders while leading our liberation movement raised voice against the centuries old socio-economic exploitation of the overwhelming majority of the population. With the advent of independence the national leaders addressed themselves to the most important task of constitution making.

Dr. B.R. Ambedkar was appointed the Chairman of the drafting Committee of the Constitution. The Constituent Assembly after long and detailed deliberations adopted the Constitution which was promulgated on 26th, Jan. 1950. The Constitution of India holds out a promise to secure social economic and political justice to all its citizens. (However, Dr Ambedkar in his concluding speech on constitution in the Constituent Assembly of India on 25th Nov. 1949 said :

"...political power in this country has too long been the monopoly of a few and many are not only the beasts of burden, but also beasts of prey. This monopoly has not only deprived them of their chance of betterment, it has deprived them of what may be called the significance of life. These down trodden classes are tired, of being governed. They are impatient to govern themselves. This urge for self-realization in the down-trodden classes must not be allowed to develop with a class struggle or class-war. It would lead to the division of the house. That would indeed be a day of disaster. Therefore, the sooner the room is made for the realisation of their aspirations, the better for the few, the better for the maintenance of its independence and better for the continuance of its democratic structure. This can only be done by the establishment of equality and fraternity in all spheres of life."

The Constitution

The Founding fathers of the Indian Constitution were very much aware of the gross social injustice, discrimination and disabilities suffered by Scheduled Castes, Scheduled Tribes and the backward and the in-human suppression and economic exploitation to which they have been subjected for



centuries. Therefore, special provisions were incorporated in the Constitution for promoting and safe-guarding the social, educational and economic interests of the Scheduled Castes, Scheduled Tribes and other backward classes.

In order to fulfil the mandate of the Constitution and give practical shape to the safeguards provided for the Scheduled Castes and Scheduled Tribes and backward sections of the society, the Union as well as the States have to devise ways and means for their social, educational and economic uplift. Hence, reservation has been made in public services and also in educational institutions for the Scheduled Castes and Scheduled Tribes.

The ultimate objective of such reservation is not just to give few jobs to some persons of these communities and produce some graduates, doctors, engineers and technicians, though this constituted an important and immediate aim, but to uplift these people socially and educationally and create a sense of participation in the National stream of life.

The percentage of reservation have been roughly determined on the basis of population of SC/ST in the country. In the matter of appointments to posts & services of the Union it is 15% for the S. Cs and 7½% for the STs. However, it varies from State to state depending on the population in the respective State.

SC/ST Commissioner

As indicated in the preceding paragraphs the Constitution makers also

provide for an inbuilt mechanism in the Constitution with a view to ensuring that an independent statutory authority made responsible for watching the operation of the various safe- guards specifically provided by them for the SC/ST. Thus the Commissioner for SC/ST appointed under Article 338, reports annually upon the working of the safe- guards. These reports are discussed in the Parliament from time to time. There is also a Parliamentary Committee on the Welfare of the SC/ST which also reviews the position on various aspects.

Besides, the Central and State Govts. have carried out various surveys to assess as to whether the beneficiary Schemes for uplift of the SC/ST have made any impact on the living of these people.

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Implications of Legal System in India

Dr. N.L. Madan

In a democratic society like India the efficacy and utility of the legal system can be measured only by the extent to which it provides social service to the members of the community. The legal system as it has been functioning in India for the last forty years seems to be more concerned with protecting the hierarchy of privileges than serving the interest of the common man. The legal system as adopted in India after independence, being a product of capitalist and individualist forces of post-industrial era has not been able to adjust itself to the demands of a welfare society. Justice V.R. Krishna Iyer, a distinguished jurist and now a candidate for the office of the President sponsored by the opposition, offers a profound critique of the legal process in the country. He declares, "Despite the urgent needs of the newly awakened masses in the post independence era, the judicial system is insensitive to the popular pulse and the democratic imperative." He adds, "If the maxim, justice delayed is justice denied is true, then India is probably the most unjust societies of recent times. For, not only is there a massive backlog of cases pending before the courts but each case takes an inordinately long time to be adjudicated. While the rich man can afford these delays, the poor suffer immeasurably with the result that justice remains a mirage for the common man in the country".

Ideological Basis

In a democratic set up the strategy of change through law is the only way to progress. The objectives of the Constitution have been expressly defined in the preamble of the supreme legal document and were fashioned by the principles of the supremacy of law, social justice and secular democracy. The Constitution serves as the philosophical base of the new legal system and the role of law in India thus can be interpreted to mean the social engineering whereby a new social order may be created. The fundamental freedoms as given in Part III and the social goals as enshrined in Part IV of the constitution form the cornerstone of the new legality. This means a revolutionary break with the legal past. But sadly this break with the colonial past has not taken place. In the legal continuum, the British legality is too much with us. A legal system designed to respond the colonial aspirations of a Western society continue to dominate our legal system. The constitution has failed to seep into the law school, academic institutions, the legal profession, the judicial administration, drafting and legislating cadres. We have failed to evolve a national policy in law after independence.

The constitution promises to achieve the socialistic goals of justice for all the citizens in all spheres of life, but social change is difficult to achieve, moreso is meaningless with an inadequate legal system to sustain it. The noble objectives of socio-economic change as Enshrined in the constitution cannot be achieved with techniques designed for a different society and disposition. And yet no new set of draftsmen inspired by the philosophy of the constitution and attuned to the structural needs of the Indian society has been conjured up. The legislative draftsmen are guided by the Ideology of Blackstone's England and Maxwell interpretations.

The parliamentarians are handicapped by the complex subject matter of the bills and

According to Krishna Iyer, this pre-supposes, at least four things; (a) that all the consumers of law (actual and prospective) are equal in every respect and are wise enough to identify their interests and legal rights; (b) that the consumers are capable of seeking appropriate remedies offered by the legal system, in other words they are economically competent to shoulder the cost of litigation, (c) that the role of legal system as an umpire to settle the conflicting claims of the parties works well; and (d) that an ideal legal system should be based on the pre-determined, formal and neutral rules. Founding the legal system on such pre-suppositions has been mainly supported on the grounds of practicability and utility.

However, in case of India,

been-made, but very slow and uneven progress has been made because of the forces of inertia and the power of vested interests.

The Heavy Backlog

The figures for arrears of cases pending in different courts of India as revealed by Justice D.A. Desai, Chairman Law Commission on different occasions are startling. The cases pending with the High Courts in the country by the end of 1984 had gone up to 12.6 lakhs. The backlog in all courts of law could be a staggering 10 million. A staggering 1,60,000 cases were pending before the Supreme Court alone in April, 1986. In Delhi High Court alone, till the end of January, 1986, as many as 69,000 cases were pending of which 8, 552 were

individuals, organisations or governments.

It is indeed a tribute to the enormous capacity for endurance of the Indian people that they have meekly submitted to the working of the judicial system, the financial burden of the charges payable to the government, fees of lawyers and other intermediaries and what is more galling, the affront to human dignity is being pushed around, day after day, within or from one court to another. The functioning of the legal system has driven Mr. P.N. Bhagwati, former Chief Justice of India to declaring that the legal system in the country is almost on the verge of 'collapse'. Mr. Desai has been even more outspoken in declaring the present legal system to be 'anti-people' and 'anti-justice' and even a 'fraud' on the litigants. Such strong condemnation of the legal system from these eminent persons who have spent a lifetime in piloting the judicial system and feeling dire necessity of its 'complete overhaul' speaks bad state of the system.

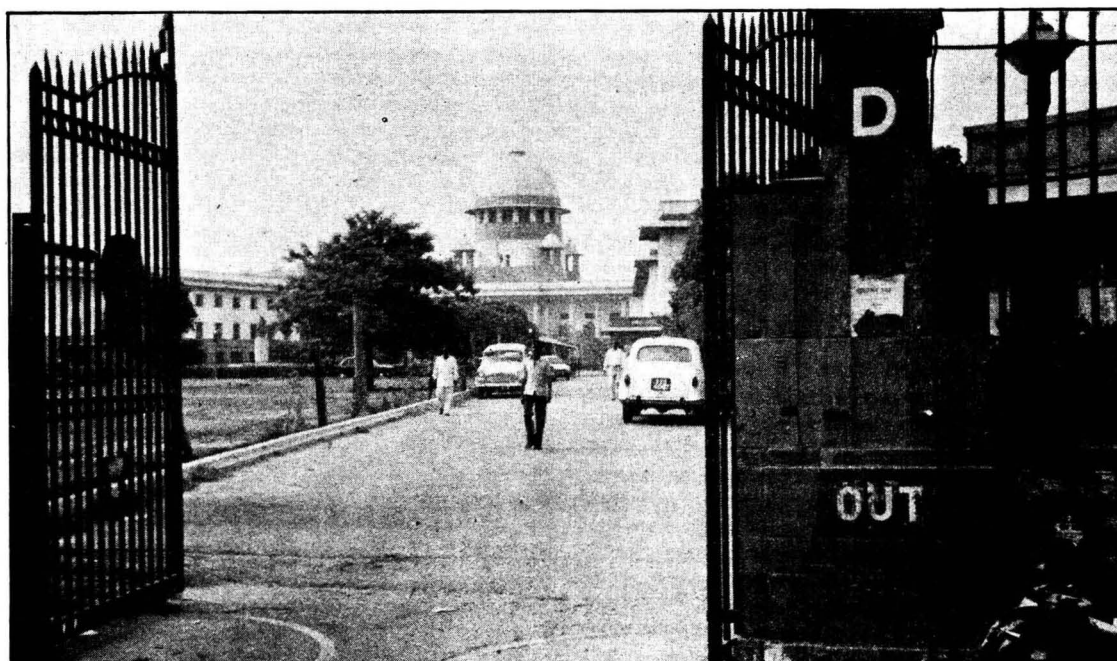
The Remedy

"Law without a social mission is no law", Law is not an end in itself but a means to justice, legal engineering being directed to the realization and securing of social justice. Legal system has to be made responsive to the needs of the society. Some more productive delivery system has to be identified which can serve the legal requirements of the majority of handicapped population in this country.

Legal system in any country is determined by many factors like the socio-economic system, the political conditions, the class relationship, the dominant ideology of the ruling classes, the religious temperament of the people, the national mentality and historical traditions etc. State being the most effective and powerful instrument of social change in modern day political life, has to change the system as a whole. State has not to act as agent of the rich classes, but must serve the cause of the poor. The future of the democratic experience in India substantially depends on the successful resolution of the problems besetting its judiciary.

Various components of the Indian political system must aim at replacing or atleast reforming the existing legal system, which has proved inadequate and incompetent to serve the needs of millions of poor people in India. There must be a clear realization that the dispensing of justice is a "service function" to be discharged by an organisation specially meant and designated for this purpose

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The gates of justice. Wide open or otherwise?

sophisticated procedures, the result being that officials dominate, the experienced bureaucrats even overawe the ministers and thus the end-product is subjected to the judicial workshops. Law must respond to social needs of the country. The legal process has to be so activated as to mould the old social system into new relationship of equality and justice. For achieving the socialistic goals, socialistic studies in law have to be introduced. Today the legal education is untouched by Indian innovation and dwells largely in a colonial twilight. The dynamism of law must begin with the student and it is disappointing that the law student has not been fully exposed to the socialist principles.

The Wrong Presumptions

The formal legal system in India goes by certain classical assumptions like treating all persons subject to law as equals, voluntary effort as a pre-condition for legal invocation and the neutral third party role of the legal system.

these presumptions about the legal system have assumed controversial character, particularly in the light of economic disparities, social deprivation and massive illiteracy. A vast population of the country does not know about their interests and rights, has little knowledge or resources to operate the legal system and is certainly not in a position to afford an adverse legal system verdict. In the phrase of Carlin, Howard and Messenger such lot of "handicapped population" suffers from "legal incompetence"—an inability to further and protect their interests through active assertion of their legal rights. The result being that the judiciary has served better the cause of the richer classes and the privileged few. The framework of the constitution was tightened enough to leave a very marginal area for judicial operation and that too has been used to uphold the rights and privileges of the rich people. Scattered attempts like Legal Aid to the Poor schemes, the setting up of Lok Adalats, and Public Interest Litigations etc. to reform the legal system have

civil petitions. The most disturbing aspect was that almost all these cases were awaiting judgement for more than three years and a substantial number for more than ten years. It is estimated that about 55% of the pending civil writs are service cases. Examples are not lacking where the courts have taken years to punish the guilty. The delay in the decisions in most of the cases is because of "institutional hazards", in which the courts are very badly caught up.

Delay in disposal of cases has often been talked about but no sustained steps have been taken to reduce the delay. High cost litigation in India leaves huge population of this country 'handicapped' from protecting their interests though active assertion of legal rights. The most disgusting part of the whole issue is that the figures by themselves do not provide a clue to the extent of human suffering caused by 'law's delay' to the voiceless millions, who at some stage or the other, in their limited span of life, are obliged to approach the judiciary for redress against

Deforestation in South Rajasthan

Bharat Dogra

This second part of the article on Rajasthan tribals, describes how economic exploitation has added further to the problems of tribals due to deforestation and also their limited efforts, in the past and now, to stand up to prevent the deterioration in their lives.

According to the benchmark survey, tribal sub-plan area of Udaipur district, net area sown as percentage of total geographical area ranges between 8.5 at the bottom (Kotda) and 24.4 per cent at the top (Kherwara) in different panchayat-samitis of Udaipur district with a substantial tribal population. This shows the limited traditional role of agriculture in the land-use pattern of the area, which was weighted in favour of forests, the existence of which met so many needs of villagers that their dependence on agriculture become relatively much less.

With deforestation, while this dependence has increased, the land available to tribals for cultivation has decreased in many villages as a result of a substantial chunk of good quality land having passed into the hands of outsider settlers. For example, in Tambulia village of Jasela Panchayat in Dungarpur district most of the total cultivated land and almost all the good quality, irrigated land is in the hands of about half a dozen non-tribal landlords all of whom own huge land holdings.

Land Transfers

The process through which tribals have been losing their land to outsider settlers is complex and involves many factors, one of which relates to the exploitative money-lending practices. An indebted tribal may lose control over land on non-payment of his debts and interest payments, and without formally settling it to a non-tribal he may yet lose it as far as its gainful use is concerned. The landless (and even some among the marginal landowners) may be forced to mortgage even their future labour as the only thing they can offer in return for loans.

Despite the enactment of laws at the national and the state level, bonded labour continues to exist in several areas of this thin tribal belt of Rajasthan in the form of hali system, the Sagri system or other methods though the details or the openness of the system may have changed somewhat.

In a survey of Sagri system made in 1978-79 by the Tribal Research and Training Institute in Udaipur it was found that

some of the Hirvis (employers) and Sagris had made an agreement. According to the agreement the Sagris would not disclose their bonded relationship with the creditor. The Hirvis were reported to have said that they had freed Sagris and written off their debts. But internally the Hirvis have taken word from the Sagris that they would try to repay the outstanding debts as early as possible.

P. A. Augustine writes in his 1986 study, *The Bhils of Rajasthan*, "The bonded labour situation continues to be grave in Pratapgarh tehsil. The results of a survey carried out by social workers put the number of bonded labourers in 100 villages of Arnod Block approximately at 3000. This figure gives an average of 30 bonded labourers per village. But it is not unusual to find 50 to 100 halis in some villages.... In spite of the Rajasthan Sagri Abolition Act, 1961 and the newer Bonded Labour system (Abolition) Act 1976 of the central Government, the inequitable system of bonded labour continues to be practised widely with impunity in the Bhil territory".

In a survey conducted by the District Rural Development Agency (DRDA), Chittorgarh in 1983 several children below 14 years of age figured in a list of 59 bonded labourers of Arnod Block.

Income Earning Capacity

It is difficult to realise how laws by themselves—even when aided by some social workers or peasant organisations to secure the sporadic release of bonded labourers, could have resulted in ending the system of bonded labour as long as the income earning capacity of several families remains below their minimum subsistence needs (in any case is not capable of meeting ceremonial or emergency expenses) and when there is no other certain avenue of obtaining loans than to rely on private money-lenders lending at the compound rate generally of 4 per cent per month. Several tonnes of silver has passed into the hands of these money-lenders, large acres of land and countless bonded labourers, but no alternative to dependence on them has yet been found.

To be sure, a number of loans

are being disbursed under the various development programmes of the government also—be it the IRDP, the co-operatives (LAMPS) or the Land Development Bank. But these loans have been marked by several irregularities. Corruption is such that the entire subsidy component or even a share of the loan may be kept away from the so-called 'beneficiary'. The beneficiary may be asked to pay a higher loan than what he actually received, though actually the loan is supposed to be subsidised follow-up to ensure that the loanee is able to use the loan productively to enhance his income generation. It is rare in the case of loans given for wells, for instance. Far too many loans have resulted in digging empty ditches of no use. The money sanctioned was too small but no one bothered about the end result. However, the tribal farmer has to pay back the loan instalments without any benefit having accrued to his farming. Recently 21 people died in Kalvaas village as a result of drinking contaminated water. However, in the same village over 50 loans had been sanctioned for wells which had ended up as empty ditches.

Unproductive Loans

In a study (concentration of poverty and backwardness) on Kotra block, made by M.L.V. Tribal Research and Training Institute, Udaipur, a table is given comparing the number of useful wells with non-useful wells. In Kotra panchayat samiti the number of such wells was 1328 and 1293 respectively, in Kherwara 1767 and 886, in Jhadol 1914 and 875, in Salumhor 2752 and 1549 and in Sarada 2259 and 1888.

In a research paper 'Prospects of tribal development in Dungarpur' published in 'Tribe' journal, M.L. Mehta writes, "At present 9728 wells are lying unused in the district against 5534 in use. Experience has shown that due to lack of planning and responsibility on the part of officials and non-officials engaged in development administration, the number of incomplete wells is on the increase".

Similarly there are widespread irregularities in the various employment works opened specially during years of drought. Firstly, these works are generally too late and on too small a scale to be able to avoid large-scale distress adequately, even though temporarily. Long-range planning to link these to ecological rehabilitation of the area are generally absent, or at any rate the planning is not implemented properly at the field-level. Delays in payments and making payments at a rate

below the legal minimum wages is quite frequent. In addition, relief-work is linked to birth-control in forms such as giving preference in employment to those who have been sterilised, even though health nutrition, care and work conditions at such times lead to complications for sterilised persons, specially women.

In the middle of all these a large number of families also face a threat of being displaced both on account of efforts to clear forest 'encroachments' and for development works such as loans.

Resettlement of Evictees

A study of resettlement of the evictees of Kadana dam (a part of the inter-state Mahi-Bajaj sagar project involving Gujarat and Rajasthan) by the Tribal Research and Training Centre Institute in Udaipur says, "All the respondents expressed the view that there have been irregularities and favouritism. In the award of compensation.... A major part was eaten away by petty officials, non-officials and even by their own relatives.... Much of the money was spent on middlemen, brokers, Bhangdeo (traditional mediators, relatives, as also on living, instead of being utilized for improving the land or for the construction of better houses". On an average a compensation payment of Rs. 14173 per family was awarded.

According to official statistics, 132 villages of Sagwara tehsil of Dungarpur district and Bagidora and Garhi tehsils of Banswara district have been affected by this dam. 5940 families of these tribal villages have been affected, out of which 3267 families have been totally displaced.

Organized Resistance

What has been the response of tribals of these gathering problems. History shows that

they have come out against their accumulating grievances and injustices done to them from time to time and offered organised resistance.

A reformist movement started by Govind Guru soon gathered strength and acquired political overtones in its search for stable solutions to the problem of the tribals. A military contingent under British officers was sent on 7th December, 1908 to suppress this uprising. The tribals were surrounded and attacked on Managarh hills where about 1500 of them were shot dead and Govind Guru was arrested.

Then there was another movement under the leadership of Motilal Tejawat which raised its voice against begar (forced labour), corruption and high taxes. When Motilal with his 2000 followers was staying at a place called Pal (in Idar State) on March 7, 1922, the Mewar Bhil Corps surrounded them and opened fire, killing 22 and wounding 29. Despite such acts of repression the movement remained active in the years 1921 to 1929.

More isolated instances of protest can be heard here and there in pockets. In Kaalivas village for instance, villagers said that when their forest rights were being taken away, they had organised a stiff resistance.

At present Rajasthan Kisan Sangathna is organising tribals on demands such as adequate and proper drought relief work. Recently when the Sangathna organised a 'rasta-roko' agitation in support of its demands, two of its prominent leaders, Srilata Swaminathan and Mahendra Chowdhary were arrested.

They were on hunger strike for almost a fortnight before being released, although the arbitrary charges against them have not been withdrawn yet. Earlier also the activists of the Sangathna have been harassed on several occasions. Several

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Perils of City Walking

—Mohinder Singh

Shopping for shoes at South Extension. The junior's fitted with new ones. Now insists, a tape must play Happy Birthday on the coming day his ninth birthday. This means crossing the road the Ring Road for that music store, beckoning with a glaring neon sign. "Come on let's nip across," as father and son, a little excitedly, propel the hesitant housewife.

But where's the point to cross? Harried-looking people waiting bunched here and there, waiting it seems for ages, for a let-up in the traffic stream. Till a policeman, with much gesticulation, brings the oncoming traffic to some kind of a halt. Wondering whether his orders would hold, we move, keeping junior in-between (between two human-flesh walls). Vehicles continue cutting in from the side. A dozen together we cross some missing by inches bonnets of impatient cars and wheels of autocratic autorickshaws. At the divider an abrupt, enforced halt; the other traffic stream is fiercely flowing past. And soon, the stalled traffic behind restarts, a line of helmeted motorcyclists leading the lot. We are sandwiched precariously at the divider, with hardly room to stand.

Pedestrians Neglected

Till in desperation, a group grimly breaks out amidst the screeching of brakes and the hooting of horns. Junior wanting to sprint across, the good wife holding back. Never felt so foolish, panicky and confused. The good lady's finally coaxed along. Tempers have frayed. The jolly early-evening coaxed along. Tempers have frayed. The jolly early-evening mood is nearly gone. And we've to retrace the same track for going home.

It seems, nobody spared much thought how all those people moving on foot between the two major market blocks will negotiate the intervening road. Even a zebra crossing isn't in sight, what to say of one being flood-lit and respected. No pedestrian signal lights. No arrangement whereby traffic bothways (and sideways) necessarily comes to a halt, giving enough time for the infants and the infirm to cross.

More tunnels and more overhead walking bridges (prominent ones someday equipped with escalator-combination) will be a help. Yet the basic issue is of the concern and regard for the pedestrian vis-a-vis the motorized. Compelling all the more, when the average Indian motorist is fairly indifferent, if not arrogant, towards those who don't seem to be similarly supplied. May be things will improve, when parking problems and congestion may make pedestrians of motorists, at least over small stretches. But there will always be a lot of 'driven-ones' (and that includes decision-makers) whose chauffeurs pride in landing their masters almost at doorsteps.

Shrinking Pavements

Delhi roads are being widened (evidently at the cost of shrinking pavements). The traffic speeded up, more so, in better-off areas. Yet speeding of traffic without requisite safeguards for other road users poses its own hazards. Could well degenerate into a near tyranny of the motorized over those who have to or choose to walk. Vehicles merrily zipping over zebra crossings, when someone's walking there. He may escape unhurt, but what about the fright? You see women with babes in arms or in tow,



The hazardous of crossing the road for children.

pathetically breaking into a run as if the road is taken over by an occupation force cavalry. Children who would have otherwise walked to their neighbouring school, have often to be 'escorted' or dropped off; the latter phenomenon itself adding to congestion and road risks. Walking is steadily becoming difficult and dangerous; in any case, conditions for pedestrians have appreciably deteriorated over the years.

A common failure, inhibiting walking or making it less agreeable, is the relative neglect of pavements. These invite far less attention and funds. Does it really stem from the bias in favour of the influential and affluent who ride in cars than the ones, lower down who have some distances to walk? Take a busy commercial street like Kasturba Marg towards its downtown end. The pavements are in poor shape, uneven and obstructed. The whole thing is almost neglected, except for catering as entry into particular buildings. Yes, human legs are versatile. They can take in dips and ditches. Step over stones and kerbs. But that's not their accustomed state and function. In any event, owners of those legs can't risk straying attention elsewhere.

Central city areas merit an adequate network of well-kept, well-connected, encroachment free and uncluttered walkways, with safety assured at crossing points. This calls for an in-depth and continuing study of

pedestrian movement and flows. It also demands a highly sensitive and motivated approach on the part of civic, road and traffic authorities.

Old-World Charm

Cities all over the world are increasingly pedestrianizing their central areas. Selective streets, squares or sections are being barred to traffic, full time or partially. Fashionable shopping streets are being converted into walking streets; benches, flower pots, open-air cafes and all that; almost giving a festive look. Copenhagen, Hamburg, Amsterdam, Rome are in the lead. Many others are systematically widening and beautifying pavements of important shopping cum business streets. The Oxford Street of London is now much broader and nicer. One of the keenest pleasures of city life is to walk in central areas amidst crowds that are considerate and disciplined, and surroundings that are pleasant and unrushed. If nothing else, walking is a more democratic, levelling mode.

May be, it's time, we in this city the historic, well-laid city did something in the same direction. Restore a few of the central areas to a glimpse of their old-world charm. Chandni Chowk, for instance, had once a marble-lined canal running down the centre, and trees shading the walkways. All this is now din and confusion. The inconveniently narrowed pavements are uneven and pitted with obstructions. Almost a free-for-all for the use of that

public space.

One could as well venture to say that much of Red Fort, Jamia Masjid, and Chandni Chowk complex sorely stands in sore need of some protection against the relentless ravages of traffic. The very appearance and character of the place is changing for the worse. Where people once moved about in ease and elegance, they are now nearly pushed to the walls. Can one ever reverse the trend? Regain some semblance of the lost charm? Whether one can discipline the local traffic and possibly divert some of the through one?

Connaught Place! It was primarily designed as a walking mall, covered and uncovered. Soon it'll be literally choked with vehicles. Foot movement between blocks is no longer easy. Some serious thought is called for to preserve the intrinsic character of the place. May be, someday the whole or part of the inner circle could be barred to vehicles, except for a few dawn hours of loading and unloading. Experience elsewhere shows that shopkeepers and other trade initially hostile to such projects ultimately prosper. Even-surfaced pathways; push trolleys for heavier shopping and tired kids. Open-air cafes, stalls, benches to sit. A fun-fair ground in the middle! Parking pushed underground or into multi-storeyed structures. Sounds futuristic, but that future may not be so far away.

Mr. Mohinder Singh is a former Secretary to the Ministry of Transport and Shipping



Connaught Place was designed as a walker's mall. It's now invaded by machines.

The Forum Gazette

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Farewell to the Accord

It is time to recognise that the Rajiv-Longowal Accord arrived at on July 24, 1985, is dead and any attempt to revive it is not going to work. The occasion for this comment is the fact that in another few days it will be two years since the Accord was signed.

Looking back, it is clear that while in one sense it was an extraordinary achievement, in another sense it was foredoomed to failure. Rajiv Gandhi had won power on the slogan that the Anandpur Sahib Resolution represented a threat to the unity and integrity of the country. For him to have shelved that issue only a few months later and work out an understanding with the Akalis was extraordinary, to say the least.

Equally extraordinary was the willingness of late Sant Longowal to have signed that Accord. While he had been the leader of the Akali Morcha for a number of years, his position has not been one of unquestioned dominance. For a couple of years he was overshadowed by Bhindranwale. At best his conduct during those years was ambivalent in a number of ways. But his finest hour came when putting all that behind him, he entered into negotiations with Rajiv Gandhi and agreed to sign that Accord. In doing so he took a calculated risk for which he paid with his life. That was his greatest hour and, if he lives in history, it is largely because of that act of statesmanship.

But the Accord could not have been implemented. As far as Rajiv Gandhi was concerned, he might have been the leader of the party and the government, but he could not totally reverse his position and yet carry those with him who had elected him. Within a few weeks the backtracking exercise got underway. Bhajan Lal might have become its most visible instrument but there were forces working behind the scene which could and eventually did stop the implementation of the Accord.

Longowal could not carry all his colleagues with him and, before long, his assassination took away the one man who was genuinely and totally committed to the Accord.

It is clear by now that the one chance of settling the Punjab issue has been lost. What the future holds now is a grim prospect both for that State and the country. Hundreds and thousands of people are going to be killed for what is the way things are moving. Some will be killed in the incidents that take place and others will be killed for having staged those incidents. But for anyone to imagine that that could be end of terrorism is to oversimplify.

Quite a number of those who are engaged in terrorism today will die but quite a number of new ones would be born. This is the unavoidable logic of what has been happening during the last few years. That is why, one looks back two years with a feeling of profound regret and as evidence of lost opportunities. There are people who advocate that the country should fight it out. More liked than not it cannot be done let even of that can be done the cost is going to be so heavy for everyone concerned that anyone can ask if this is the right way to go about it.

To some extent the situation is somewhat like what happened in the United States when it got involved in the seemingly never-ending conflict with Vietnam. This analogy means only one thing: one can argue on either side and with quite an amount of cogency and persuasiveness. The problem arises when people see only one point of view and not the other point of view.

Quite some people have maintained that the Punjab problem need not have arisen but for the compulsion of the ruling party to create a problem and that compulsion arose from the need to stay in power. That need has not disappeared. The desire to stay in power has not been impaired either, but the capacity to stay in power is getting eroded everyday. This is the tragedy of the situation and not many people seem to recognise it.

The plain truth is that with every new twist in the situation the policy followed so far is becoming less and less defensible. Indeed a stage has come where it is time to totally reverse the policy more or less as was done in respect of the Vietnam war. But where is the vision and where is the leadership?

The Nation and the Hostages

To make noise about the wellbeing of the nation and to do acts which threaten to tear the national fabric into shreds has become a common practice for some time. It is interesting that the formations which make the loudest noise about nation and national unity are near habitual offenders of the long term interests of the nation.

The terrorists gunned down innocent bus-passengers at Lalru and Daryapur. It was inhuman and dastardly slaughter of human beings at the hands of calculating terrorists. The terrorists are acting on the assumption that a knee-jerk reaction against innocent Sikhs will follow and will further their objective of widening the cleavage along communal lines. This is by now a well understood game and rightly exposed by national press.

But in spite of this foreknowledge and fore-warning reprisals were engineered against the Sikh population of Patel Nagar (Delhi) Rishikesh (U.P.) Hissar, Fatehabad, and Sirsa (Haryana). In Delhi the JS activists deemed it a good 'service' to the nation to stone houses and attack gurdwaras. In Haryana the detractors of the newly-elected Lok Dal found it profitable to kill innocent citizens of a community and burn their properties.

To deem some as hostage and others as keepers is the surest way to ruin India as one nation. In secular democratic India rights of life, liberty and security of the individuals are linked to their citizenship and not their religion. The terrorists and the rioters want to link rights of the individuals to their respective religions.

A System In Disarray

S. Mulgaokar

THIS mid-week, the terrorists let loose again in Punjab. So did the state machinery of terror in a bigger way. And I keep on asking how long this kind of madness can go on. For this clash between the terror of the individual and the terror of the state is that dangerous kind of madness that rejects all moral sensibility.

I keep on thinking, a month after it happened of that gruesome orgy of blood lust in New Delhi's Greater Kailash. Fourteen people were killed that night in an insensate outburst of a formless fury. Those fourteen were not meant to be the intended victims. To say that they were killed does not say it all. It happened the path of bullets in their traverse from a Sikh terrorist's sten-gun.

Ghastly Incidents

Similar ghastly incidents were taking place in Amritsar the same night. Again the hand of the terrorist had not risen against victims of design.

These things sear your soul and when I think of these events I think of something else etched in my memory, equally soul-searing. It was the picture of a young man still in his teens which appeared in the papers a day or two later as that of one of the suspected killers of Greater Kailash. It was a gentle open face. There was nothing vicious about it to disfigure its clean lines. Will he become a hardened killer or was Greater Kailash his one act in a private Valhalla of vengeance?

What is it that can drive such a man to the madness of wanton, wilful murder, cold, calculated, clinical murder. He came and went like a fiend in the night, but there was more in his mind than death and desolation. There was something he wanted to unload, the burden of injustice and humiliation visited on his people by the purblind terrorism of a state machine.

The Government's policy is to wipe out the Sikh terrorists. It has been at it for 30 months. It has no doubt got rid of some genuine terrorists and almost certainly a larger number of innocent people. Hundreds of others languish in jails for months and years on end without a charge to answer.

That is bad enough. But it goes much lower down. We have made a fetish of security. Much worse, it has become a status symbol. I have heard of a journalist who went to the police with a couple of anonymous letters written in scarlet ink threatening his death and he promptly got his personal sten-gun escort and a car with four security men to follow him wherever he goes.

Mr. Ribeiro, with a perceptiveness rare in a policeman, keeps on repeating that you cannot wipe out the terrorists unless you have the

people with you. Nobody listens to him. As he goes on with his impossible mission, new terrorists emerge in an unending stream. What depths of human and historical folly can we plumb in the pursuit of a mindless policy?

How long can one kind of lawlessness go on matching another kind of lawlessness in Punjab. "People crushed by law," Burke had warned, "have no hopes but from power. If laws are their enemies, they will be enemies to law...and will always be dangerous more or less."

Permissive code

I have written on this subject several times but on the price we will be paying in an increasing degree in other fields of national activity. The licence and the permissive code of discipline the security services operate under in Punjab is the model that others are beginning to adopt.

We see in Delhi every day the police and the security services act on illegal orders and take a delight in trampling on the poor citizen's toes. I know the Prime Minister and his family are at great risk. But taking all that into account, the security surrounding his is ridiculously elaborate and does not have to be such a nuisance to the citizen every time he takes to the road. And every nightfall road barriers appear all over the Capital looking for heaven knows what. Has anyone ever asked the security services what they have ever discovered as the result of these night-long vigils that so pester the citizen? I wonder, if the Prime Minister realises how much of his low standing in the Capital he owes to the depredations of his security machinery.

New culture

I realise that we live in extraordinary times brought on ourselves by a mindless government's mindless policies in Punjab. But what fear is that we are in process of evolving a new culture of public life. Time was when people who entered public life recognised that there were certain risks involved in it. They took them. You can always sit at home and start in all safety and with the promise of high reward a business as a middleman in the traffic of armaments. **The new culture says that those in public life must be protected from the public they are supposed to represent.** And I am afraid this new culture will be with us for a long time after the extraordinary times no longer provide an excuse.

Let me return to the subject of the havoc that is spreading through the law-and-order services. At one level there is demoralisation because all services do not enjoy the same indulgence in licence and same

permissiveness in discipline. At the other level is partisanship, open and unchecked. We see it in Punjab every day. The disease is spreading at the political level as well. The handling of the Meerut riots by the UP administration under the disastrously incompetent Mr. Vir Bahadur Singh was frankly communal as has been the earlier attitude in the Babri Masjid-Ram Janmabhoomi affair. How can Muslims not come off worse in every communal flare-up when the police force has such a meagre representation of Muslims. Partisanship has been built into the system and we conceal it by talking more and more about unity and integrity.

A worse example of partisanship and contempt for discipline was to follow in the wake of Meerut. A murderous gang of the Provincial Armed Constabulary, to which not a single Muslim has been recruited, having done its spell of duty according to its lights in Meerut was under orders to return to its headquarters. On the way it passed the predominantly Muslim village of Maliana. It let go with its rifles, without warning and without provocation that I have heard mentioned with any conviction anywhere. Was it acting in some paroxysm of fundamentalist frenzy?

There is a government-appointed committee that has been set up to inquire into the incident; but while the inquiry committee goes about its business new evidence becomes available that the toll of death in Maliana could not have been much below a hundred. Mr. Buta Singh dismisses it as "disinformation". Is that a hint to the inquiry committee?

Heavy price

So it goes on, the citizen never paying more heavily because Mr Buta Singh's information will enter the official records and encourage and incite the security men to more acts of rapacity and licence.

We are not uniting the country. We are dividing it. There is no need to talk only of the Muslims. Millions of others are outside the process of participation in the life of the country as equal citizens with equal rights. The entire system is in disarray. Yet the search goes on for slick solutions clothed in slick words.

Meanwhile, we are celebrating in Moscow. What there is to celebrate I do not know, but I am told it is all going like a house on fire. A house on fire! fear, I very much fear that simile strikes the right note in this dismal summing up of the state we are in.

From Indian
Express New Delhi.

Chandigarh News
Letter

The Aftermath of the Massacre

The last two weeks in Punjab have given many an uneasy moment to the politicians as well as the laymen. The gruesome murders of the bus passengers at Lalru (Distt. Patiala) as well as at Daryapur near Sirsa (Haryana) left everybody dazed. The Punjab authorities took pains to explain that these were acts of terrorists who remained on the run. They were not prepared to concede even with a pinch of salt that these acts could be indicative of a new tactic of the terrorists and even a pointer to the more tragic events to come.

The Governor and the Director General, Police tried to play down the fact that the terrorists had given enough proof that they had expanded their area of operation from the three border districts of Punjab to Haryana and other neighbouring states.

Mr. Ray and Ribeiro (interestingly, the present policy of the Punjab Government against terrorists is termed as the Ray-Ribeiro formula) continued to assert that the battle against the terrorists was on and that they were bound to win.

Anguish

The gruesome murders of the bus passengers left even those people perplexed who would either sympathise with the terrorists or would describe the terrorist act as a reaction to the government's repressive policies. An ardent votary of late Sant Harchand Singh Longowal who also remained for some time in the Babbar Khalsa hard-core, confided to this correspondent that he was at loss to understand where all these activities would lead the Sikhs to.

He openly expressed his anguish at the murder of innocent passengers and volunteered the information that the terrorist groups were operating independently of each other and were even hostile to one another. At the same time he also continued to repeat that the government, especially the Central Government, was not inclined to solve the Punjab problem.

This explains the mental state of an average Punjabi. He would not like the terrorist acts to denigrate the face of Punjab; he will at the same time wish that the Central Government should come forward with some political initiative. The Rajiv-Longowal accord had kindled a ray of hope but the light soon withered away. Every Punjabi is now sceptical about any initiative in response to the prevailing situation in Punjab.

Role of Bhajan Lal

It is interesting that the bus killings at Daryapur (Haryana) should throw up a major issue in the Haryana politics. Mr. Bhajan Lal, the erstwhile Chief Minister of the State, is being blamed for these acts. Most people in Punjab and Haryana are prepared to accept this theory because of Bhajan Lal's shady political past. He cares more for the end than for the means. His conduct during the Asiad attached a stigma to his name and it is likely to stick to here in the degenerate norms of public life today.

This correspondent had an opportunity of talking to some of the residents of Ambala and Sonapat on the day following the Daryapur killings. The majority of the Hindus in Ambala were prepared to believe that this tragedy was the result of a conspiracy by Bhajan Lal to destabilize Devi Lal-the new Chief Minister. Is it necessary to say anything more?

The hopes of the President's rule doing a miracle have been belied. The terrorists have kept up their pressure even after the Lalru killings. Besides killing a veteran Congress leader of Kapurthala they have repeatedly struck against the police officials. People in the border districts are inclined to think that the murder of Satnam Singh Bajwa was not a terrorist act. Mr. Bajwa has many scores to settle with more than one gang indulging in anti-social activities in the districts of Gurdaspur and Amritsar. He also had many disputes to settle pertaining of land grabbing and other scandals associated with his name. But the murder of such an important man even in order to settle personal scores cannot be condoned in so far as the law and order machinery of the State is concerned.

Question of Confidence

The D.G. Police after the Lalru killings has repeatedly said that the people in Punjab are not coming out in the open against the terrorists. This speaks for the psyche of the people as also the confidence that Mr. Ribeiro has been able to instill among them. Day in and day out there are stories that Sikh citizens are being harassed. Young Sikh boys are picked up at various 'Nakas', kept under illegal confinement for days together and let off after being given severe thrashing. Some of these very boys are alleged to have

been eliminated. At the meeting of the Harmony Committee on July 17, 1986, it is reported the Janta M.L.A. mentioned more than a dozen instances of this kind.

The Administration cannot explain it away as routine checking or helplessness in the wake of intensive campaign to apprehend the terrorists. Most people have no confidence in the bona fides of the police. Villagers live under a constant fear lest their young boys might be done away with by the police any moment. No one is prepared to believe that the 'encounters' are real.

What is needed is to restore the credibility of the Administration and the police in the minds of the people. The

terrorists can get isolated only if the political issues which they are able to exploit are settled or at least some process is set in motion to show that the government has a mind to solve the Punjab problem.

At the moment any statement in this regard is taken as a gimmick. On the other hand, the Prime Minister as well as the Governor have adopted a negative approach. They say that law and order must be restored first and that terrorism must be wiped out before everything else and it is only then that some settlement can be arrived at. So we are caught in a fix. The question to answer is : shall we save the country and Punjab or destroy both?

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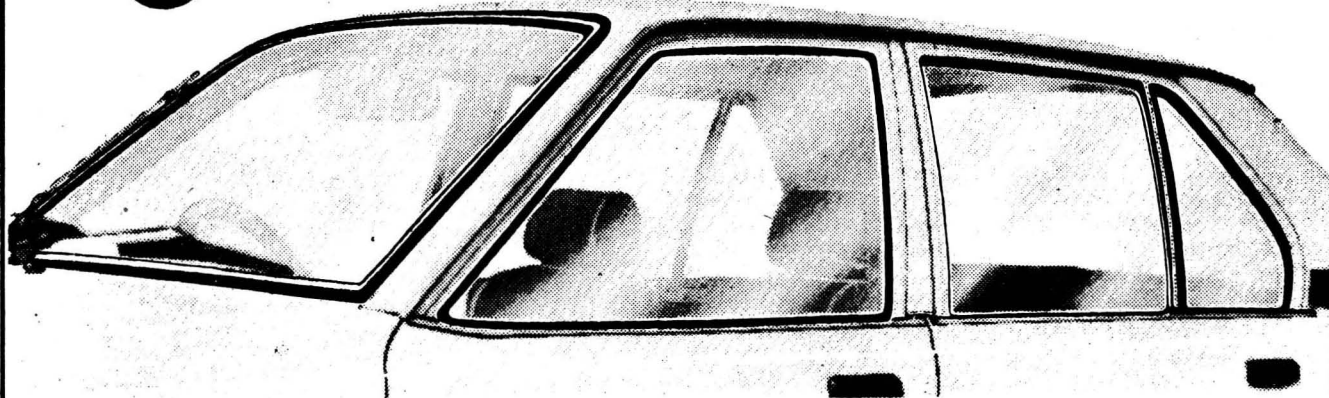
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Calculated Violence...

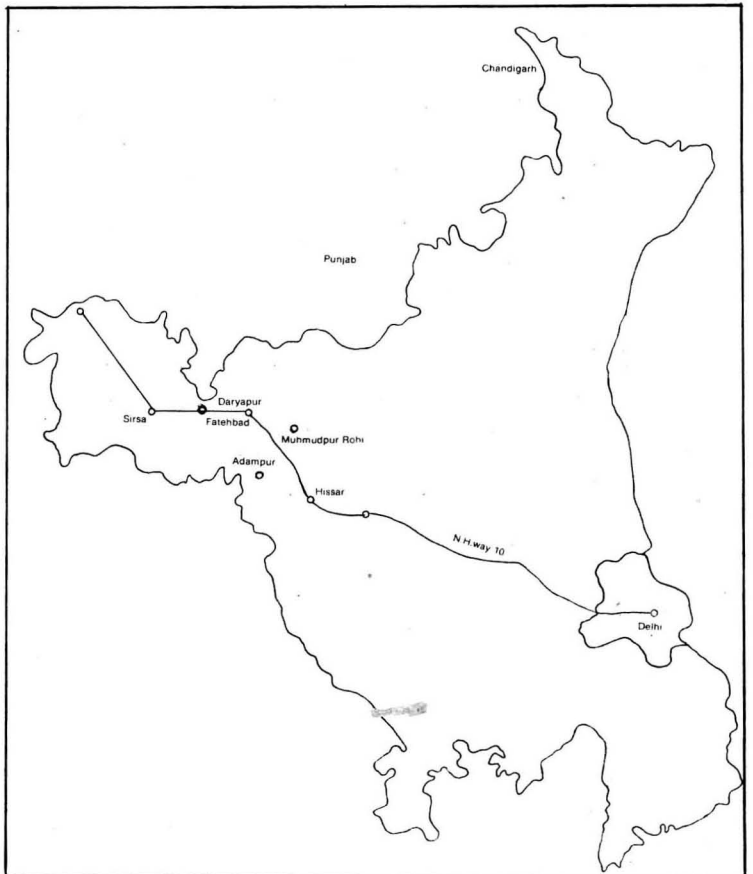
Continued from page 1

mobrule confronted the criminals on the streets the police force did not give them pitched resistance at even a single place. A place of worship located in the heart of the city and on the national highway was reduced to ashes by the arsonists while the police was mounting guard on its front door which is about fifty feet from the rear door which was forced open by the arsonists and marauders. They first looted the valuables the entire premises and then set fire to the remaining baggage and building. This pattern of loot and burn was repeated in nearly all other cases except some saw-mills in Fatehabad where the entire stock of lumber was ignited to burn alive the owner who resided on the first floor.

was accompanied by a TV team from Delhi. Does it speak of efficiency of Sh. Bhajan Lal or his eagerness to erode Sh. Devi Lal is the talk of the town these days. The events had taken place near his village Muhammadpur Rohi just off the national highway near Fatehabad. The newly elected Lok Dal legislators and their supporters were at Chandigarh in connection with the first session of the new assembly and the visit of Justice Krishna Iyer.

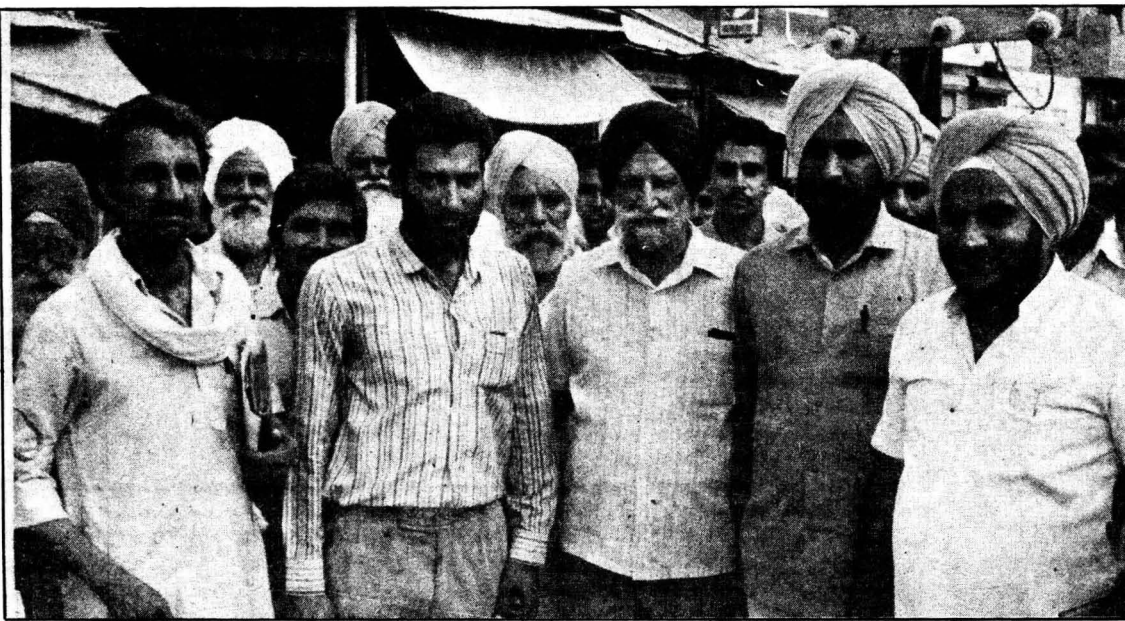
On the following day the air was full of tension and apprehension. The first incidents of violence had started as early as 8 A.M. A short while after, two truck loads of mobbers and tractor trailers carrying human loads poured

minority community the police acquitted itself as sorry spectators. The police did not block the progress of the marauders and arsonists at one single place. The District magistrate spoke of the 'confidence' gained by the police 'after' the arrival of the army i.e. around mid-day. The flag march by the army did not put an end to these attacks because after the army column gone from a particular area the arsonists resumed their work. The army were not deployed it only staged a flag march which aims at effect rather than command. Houses were looted gutted and ransacked within hundered yards of the police post in two localities.



Daryapur: The site of terrorist killings in bus
Mohamadpur Rohi: Sh. Bhajanlal's village
Adampur: Sh. Bhajanlal's constituency
Sirsa, Fatehabad and Hissar: Places effected by violence. Both Hissar and Sirsa are dist. head quarters.

Haryana: Areas Effected by Violence



Com. Krishna Sarup, the moving spirit of DYFI in Haryana
Com. Harpal Singh M.L.A., Lt. Gen. J.S. Aurora (rtd.) M.P. after an investigative tour in Fatehabad.

The Sequence of Events

The sequence of events preceding the violence in Hissar and other places speaks a lot about its nature. The Lalru killings had taken place on the 6th of July 1987 and there was a Haryana bandh the following day i.e. 7th July 1987. At about 8 P.M. the Daryapur murders took place. The first batch of survivors reached Sirsa at about 9 P.M. The first V.I.P. to reach Fatehabad (217 K.M. from Delhi) was Ch. Bhajan Lal. He

into Hissar. Section 144 was in force but these people progressed without let or hinderance. From 9 A.M. large scale arson and violence followed. This violence claimed three lives. Forty five vehicles like trucks, buses, two-wheelers and cars were burnt down. About two hundred houses and commercial establishments were reduced to ashes by the arsonists.

Police Inaction

In this prolonged and systematic attack on only the

Good Neighbourly Help

The victims of violence were caught unawares because Hissar, Fatehabad and Sirsa have a long tradition of communal harmony and good neighbourly relations. These towns had not seen this kind of violence earlier. In spite of state machinery failing to ensure the safety and security of the innocent citizen, the neighbours risked their own safety and security to protect and bail out the besieged families. The principal Arya College Fatehabad sheltered many families in his house. The socialist volunteers battled against the mobs to save the life of the innocent victims. Neighbours provided cover to children and women where the male members of the family were not at home and in some cases when they were killed by the mobsters. In some cases the attacked party defended itself by using licenced weapons. S.Khiland Singh Bedi who owned a saw-mill used his shotgun and shot down one marauder before the mob overpowered him and killed him. He was seventy three. Officials like R.T.O. and his friends stood like rock in defence of the rights of the innocent victims of violence.

The Tasks Ahead

With the refugee camps disbanded and apparent calm restored it is time to look ahead and specify some of the tasks ahead. In the first place the administration must be so toned up that the confidence of the minority community returns at the earliest. Second, rehabilitation on appropriate scale undertaken to enable the victims to restart life. Third, the criminals must be brought to book. The names and address of some of the looters and arsonists are on record in an eighteen page preliminary report published by some field workers of the CPI (M) which in these riots distinguished itself as a reliable secular mainstay for the people.

Long Drawn Violence In West Patel Nagar Inspite Of Tall Claims Of The Administration

The anti-Sikh violence in West Patel Nagar and Nangal areas of the Union Territory of Delhi gave lie to the claims of Delhi Administration regarding measures to keep peace and order during the Delhi Bandh following the massacre of bus-passangers. The sequence of events in Patel Nagar demonstrates the engineered character of the violence and the failure of the law and order agencies to live upto the expectation to the innocent citizens.

On the day of the Bandh the

A Revealing Report

In the dark hours of arson, loot and murder in Hissar, Fatehabad and Sirsa, the volunteers of some leftist associations stood gaurd over the rights and lives of the afflicted people. They have prepared a preliminary report about these gory incidents. Though a full report is awaited we publish below some excerpts from the report.

- * The truck which carried away tyres looted from the Ceat Tyre Store bore registration no 586. Amar Singh Godarn of Langhri was present there.
- * The vehicles which carried away looted property from the Auto-Market were as under: HRT 3077, HRT6221, HYR2226.
- * Kashmiri Lal Kabaria was one of the looters.
- * Bhajana Bishnoi looted 85 tyres and carried the same on HYT1251
- * Triloke Saini looted Darashan Singh's radiator store.
- * In Green Park K.N. Malhotra was leading the attack on the house of Baldev Singh Advocate
- * In Dabra Chowk area the first attack started at 11 A.M. The attacks continued upto 4 P.M. The leaders of the attackers were: Satish s/o C.L. Goswamy, Balbir, Rati Ram Arewala, Garg Karianawala, and the owner of the Dost Paan Bhandar.
- * In Model town Iqbal Medical Hall was looted by Sarveer and his brother who is a football player and a student of I.T.I.



The Gurdwara was gutted while the police stood guard at the gate.

party workers of BJP and some leaders showed impressive presence in West Patel Nagar. They were present in hundreds strength inspite of the proclamation of section 144 and the prohibition of assembly thereunder. The volunteers even showed their prowess by stopping the occasional road goers on the main Patel Road. They had assembled near the junction of the main market road and Patel Road. Sh. Madan Lal Khorana and Mewa Ram Arya were among the leaders who addressed them and 'educated' them about the importance of keeping peace in such critical times.

As the leaders retreated from the scene the same crowd

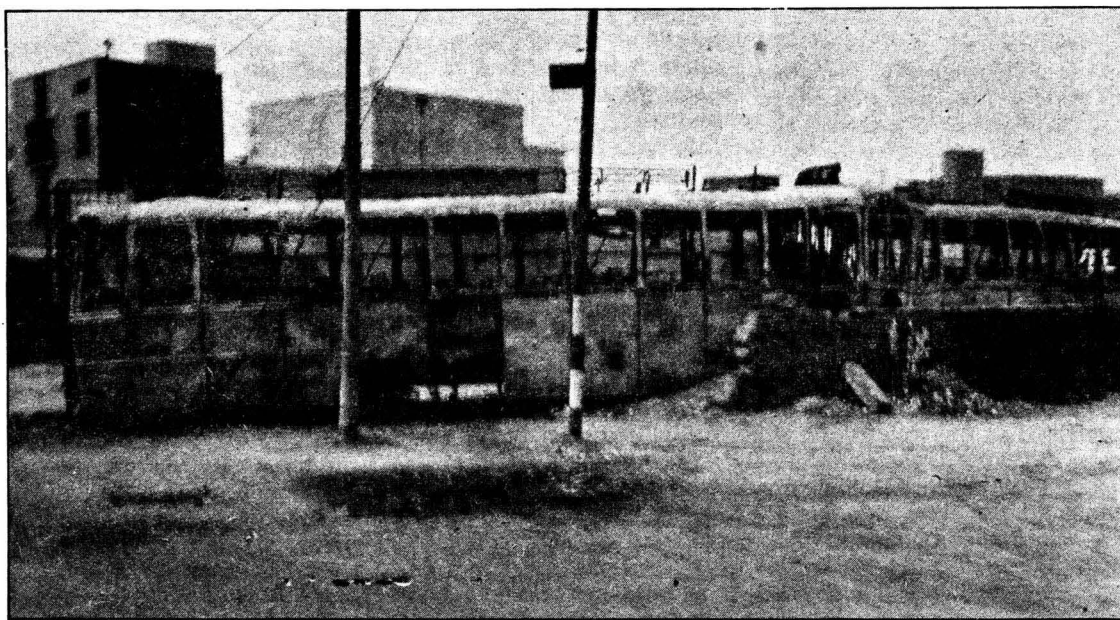
assumed menacing shape and turned to the locality to threaten residents and subject properties to stone-throwing. The house of Thapar family and Sareen family were the very first to bear the brunt. The police inspite of its presence did not put an end to this arson and stoning.

While the area was intensively patrolled by the police the crowd went around with stoning and arson. They wended through the streets of West Patel Nagar without let or hinderance and reached the Gurdwara near the end of Patel Nagar. The place was forced open by iron rods and set on fire. On their way they had burnt shops and stalls and stoned

houses.

The part of this mob reached near East Patel Nagar and stoned the house belonging to the Chandha family. They kept the place under siege for an hour and then dispersed of their own.

Patel Nagar is a BJP strong hold and the residents believe that their cadres did this 'service' to communal harmony and the security of the country principally to singe the beard of Buta Singh the Union Home Minister and the minister responsible for peace and security of the country in general and Delhi in particular.



Buses parbed on the national high way, burnt by the arsonists.



Advocate Nalwa of the Haryana Sikh Forum a midst Hissar residents

CRP Misrule

Continued from page 1

personel who were involved in the incident.

Terms

As far as the terms of the settlement go, the demands of the strikers have been met. The CRP was totally isolated and even those officials who wanted to protect its 'morale' were not able to do anything in favour of the CRP. It is rarely that one comes across a situation where one party is so clearly in the wrong. In this situation it was. That is why, the CRP could not be saved.

It is not for the first time that the CRP has behaved in a highhanded and arrogant fashion. The incident in the

village Brahma in December, 1986, is fresh in everyone's mind. The deputy Commandant had to be placed under suspension for what was done in that village. But this could not be done till the Home Minister had secured the permission of the Prime Minister who was on vacation in the Andaman Island. The permission was given and the official concerned was placed under suspension. But what happened after that? Nothing happened; and that is why people have lost faith in the fairness of the government.

It does not follow from what has happened that the CRP would not misbehave again.

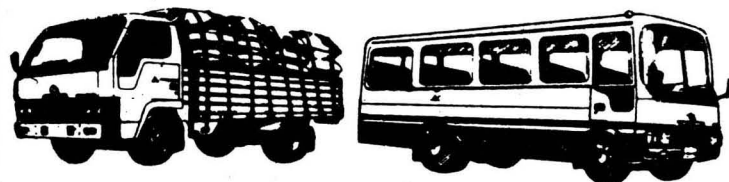
They can and perhaps will. It is for the first time, however, that united public action has forced the authorities to respect public sentiment and retreat in the face of total protest both by the transport community and the general public.



S. Khalind Singh (73) who shot down a marauder before he was killed by the invaders

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kith and kin

Rajinder Kaur

The dead body was brought home from the hospital at two in the morning. At the hospital all had wept silently, but as soon as they reached home they burst out crying, wailing and weeping hysterically. Tears flowed, knowing no barriers. Ramdevi, her two daughters-in-law and her two sons were grief crazed.

It was only two days ago that Babu Ram Saran had suffered a heart attack. Immediately, he was rushed to hospital. Two days

and two nights of running about and shuttling between the hospital and home had left everybody weary and exhausted. Last evening Babu Ram Saran seemed to recover. He had talked to his wife Ramdevi and his two sons.

But at night all of a sudden he expired. No one had even dreamt that the master of the house would leave them all so soon.

Ramdevi's eldest son Kishore, with tears in his eyes and sorrow drenched voice, asked everyone to be calm and compose himself or herself.

Gradually the wailing and crying subsided. A melancholy silence prevailed in the house. Ramdevi's head was on her right knee, her hands clutching her legs. She was staring fixedly at the floor. Ashok and Kishore too, with eyes swollen, sat with their heads clutched between their hands. Ramdevi's younger daughter-in-law was trying to put her baby to sleep in her lap. Ramdevi's grandson Ramesh had already gone to sleep near his mother Preeti.

Some old memory of Babu Ram Saran stirred Ramdevi again and she began to keen and wail once more. Both the children woke up and began to cry. Her two sons too raised their heads and looked helplessly at her.

Becoming aware that she was stoking the dying embers of grief again, Ramdevi stopped crying abruptly as if a train running at full speed was braked to a halt. She was feeling guilty.

Ramesh had again gone to sleep. The baby too fell asleep in Usha's lap. Ramdevi's sons and daughters-in-law once again sat sorrowfully resting their heads on their knees.

Once again silence reigned in the house.

Far away somewhere the sound of the watchman's whistle was heard. The moments were creeping away slowly.

Ramdevi sat silently, her head on her knees, lost in the memories of her past.

Only four days ago, when Babu Ram Saran was going to the market to buy vegetables, he had said, "Ramdevi, come with me to the market."

"Ill No. No! You go alone, please! I don't feel like it." Ramdevi had replied dryly.

"Why, what have you to do at home?" he had asked.

"I can't walk! I get tired of walking," she had replied with hesitation.

"Ramdevi, you have started talking of getting tired now at this age! God knows how many more years we have to live still. We better keep ourselves fit."

"But it is time to prepare the dinner. I have to light the fire and look after the baby."

"O, for so many years you have been doing all that. Now you should leave these chores to your daughters-in-law."

"As long as there's strength in one's bones one should go on working. Otherwise, no one will offer even a glass of water to you."

"Now come, come. Why waste time in argument? Let's go. I don't ask you every day."

And she had agreed. While stepping out she had said 'ta-ta' and called a 'bye-bye' to the baby. She felt as if both her daughters-in-law were staring at them and smiling.

"What will they think?" She said as soon as they had come into the street.

"Let them think what they wish. They too often leave their children with you and go to the movies. Ramdevi, now the time have changed. Remember your own times? You could not even raise your eyes before your mother-in-law. In your youth you feared your father and mother-in-law. Later you got busy with your children. Only

now there is some relief. All the children are well settled. Let them take care of themselves. I too have retired. Now we must go out for a walk in the morning and evening.

At the market place, Babu Ram Saran himself all the vegetables. Till now Ramdevi had never bought any vegetables herself. She was always busy inside the house.



On their way back, Babu Ram Saran remembered something. Ramdevi had been asking for a pair of chappals for quite some time.

Babu Ram Saran stopped at the shoe store and asked her to select a pair. Ramdevi stared at him in surprise. Till now she had never bought any clothes or shoes of her own choice for herself. Babuji's choice had always been hers too. And now in her old age what would she

do with her own choice?

The chappals bought that day were still lying in the doorway. Her eyes fell on them. Something broke within her. But she dared not break the all pervading silence in the house. To suppress the flood of agony welling up in her eyes and throat, she put the wad of her saree end in her mouth.

Far away somewhere a cock was crowing. People were going to the milk booths, their bottles clinking in their bags. And gradually the street resounded with the usual noise.

Kishore asked Usha to prepare tea. When Usha brought the tea, there were five cups in the tray. Kishore and Ashok took their cups silently. Preeti twice looked at her mother-in-law and desisted, but later she also picked up a cup.

Usha brought a cup to her mother-in-law but Ramdevi sat motionless.

"Mother, please take some tea. You have not slept for two nights. Any moment now people would start coming in." But Ramdevi was silent. She thought, "How can I take tea when the dead body of my husband is lying before me? I who had never touched food without giving it to Babuji first? No! it is impossible!"

And she shook her head.

After drinking their tea, one by one all went out. Usha got busy with her baby. Preeti began to help Ramesh in cleaning his teeth.

Her two sons started making

arrangements to seat the people coming in for condolence.

Ramdevi's left knee felt stiff as she had been resting her head on it for a long time. She now shifted it to the other knee. Her left leg had become numb. If she moved her leg even a little, she felt pins and needles.

All of a sudden she wanted to uncover Babuji's face and have a look at it. Then she trembled. If one of the daughters-in-law saw her doing it?

Whenever Babu Ram Saran and Ramdevi had sat together and talked, she had always felt that her daughters-in-law, were whispering to each other about them.

Once she had overheard one of them say, "These old people are never tired of talking, even after all these years."

The other had said, "People become more romantic in their old age."

She used to wonder then how she could disengage from her life-long companion in old age. They needed each other now even more. Their sons and daughters-in-law had no concern with old people's joys and sorrows. They got busy with their own children from the break of day.

For him, only she provided water in the bath room, only she arranged his clothes, prepared his breakfast and sent him to the temple.

How could these daughters-in-law know what things he liked to eat, what his favourite dish was? They could only laugh and make fun.

She began to sob again.

Now the neighbours had started coming in. Relatives had also arrived.

The whole day long, sounds of weeping and keening echoed in the house. Everyone was crying-Ramdevi's daughters, her sisters-in-law, her daughters-in-law.

Now at least there was no one to stop Ramdevi from weeping out her woe and sorrow. Her wailing mingled with the general weeping and crying.

No, there was no one to laugh at her now.

The last rites of her husband have been performed. All the relatives have left for their homes. And Ramdevi, with her baby in her lap, is sitting out in the verandah.

Usha and Preeti are in the kitchen. The baby has started crying Ramdevi goes to the kitchen to bring milk for her. But she stops still at the door.

Usha is saying-"Mother has become so weak from crying all these days. Even old age doesn't decrease one's love, after all."

Preeti replies, "Oh, No! She didn't weep so much. You should have seen my mother when my father died. She wept so much that she fainted again and again. After all, having spent the whole of one's life with one's partner...But my mother was very young then."

Ramdevi could hear no more. She could not stand there any longer. Her heart swelled. And stuffing the end of her saree in her mouth, she went back to the verandah. Now only the enveloping darkness of the evening was witness to her tears, flowing quietly down her cheeks. (Translated from original Punjabi Apne Paraye)



Legal System

Continued from page 5

by the constitution, viz. the judiciary, to meet the needs and requirements of its vast client i.e. the Indian public. It is a most onerous responsibility, which, if it is to be discharged efficiently, requires a continual 'feedback' from what may be called, in management parlance, the "consumer lobby" or the "target group" or in terms of our traditional respect for judiciary, the "beneficiaries" of

the system. The judiciary in India will do well to make an in-built provision for this basic input without having to compromise its prestige, impartiality or independence. There is no substitute for direct communication from the citizenry, the seekers of justice, to the judicial authorities, who must man and operate the legal system in the country.

government and the bullet for bullet policy followed under the President's rule are not being objected to by ordinary citizens as they should be and even the word of the Akal Takhat does not carry the weight that it should. What the Sikhs have to do is to remove the impression that what they are asking for is not Khalistan but greater powers for the states.

The way in which the Sikh youth are being harassed has hardened their attitude further. They are dying and will perhaps continue to die. But is that in the interest of the Sikhs and of the country?

In my opinion, this prolonged alienation from the national mainstream would produce unpalatable results for the Sikhs. Similarly, if national interests are not treated as supreme, it would be unfortunate. The present government should find a way of dealing with the puzzle so that this alienation is overcome and all the violence that is taking place is put an end to.

New Delhi.

Yours etc.

Manohar Singh



Terrorism

Continued from page 16

the police. In this lies their strength. Because capture of an individual or a cluster does not have not so far—lead to the arrest of others.

Need of Isolate

Moreover I find that the might of the law and the power of bullet has spent itself out, so far the terrorists activity is concerned. It has to be emotional, psychological and social pressure which would ultimately brook the terrorism. If we do not review our outlook, realise the responsibility and obligation of the common man in this fight, then Punjab is going to be another Beirut in no time. But if the people do not remain complacent and scared, if they are encouraged to stand up and fight for their own and their children's security by setting up vigilantes and thus not only resist the terrorists but also refuse them refuge and food and the hospitable atmosphere in which they have so far been operating, then the people would provide the necessary backing for the law and order authorities to do the cleaning up. It has to be done if we have to escape the daily

travails of fearing new strikes by the terrorists and the lurking fear of being one of the victims. It is a political problem no doubt, but it is in a much larger way, a social problem too.

And in the end it will be in everyone's benefit if the media, both official and private shun exaggerating news such as calling groups "army" or "troops" and non-descript individual leaders as "generals" and "commanders" which give the common man an awe and fear thinking that there was a parallel army to the national defence forces in operation. Similarly the bogey of communalism is unnecessarily being boosted when the fact is that leaving out the trouble spots, very few in the country, and the activities of some opportunistic and short-sighted politicians the masses on the whole are still untainted by the virus of communalism. It is still a limited, man made problem. But it can assume the epidemic form if it is not contained right now and the protagonists of secularism thriving on the fire of communalism exposed.

Letters

The Punjab Puzzle

Sir,

I refer to your piece on Policy Towards Punjab in your last issue. It seems to me that we need to pay much more attention to solving the Punjab puzzle than is being given today.

The starting point is the situation after 47. The Sikhs fully trusted the majority community. But all that they got was a rough deal. The Sikhs spread themselves throughout India. But in the kind of system that operates today, they did not get even a reasonable share of political power.

As a remedy to this situation they asked for the Punjabi Suba and adopted the Anandpur Sahib Resolution. The progress of a State depends on the installation of heavy industries. Not only was that not done, even cotton and sugar mills were not sanctioned to Punjab. Therefore, the farmers had to send their products to other states, thus losing profits and denying employment to their

youths.

It is unfortunate that the ruling party misinterpreted the Anandpur Sahib Resolution as a scheme for Khalistan. That was unfair. The entire Sikh community was made to look like an enemy of the country. Of course, the Congress-I reaped a rich harvest of this misrepresentation in the 1984 general election. Even though, later on the Prime Minister entered into an Accord with late Sant Longowal, the wrong impression given about the Sikh community still persists in the minds of the people. This aspect must be remembered while wanting to solve the puzzle.

I would not say that the Sikhs have not made mistakes. Its biggest mistake was they failed to earn the cooperation and good understanding of the non-Sikh population. The roots of the hostile propaganda have gone so deep that the blunder of the Operation Bluestar, the dismissal of the Akali

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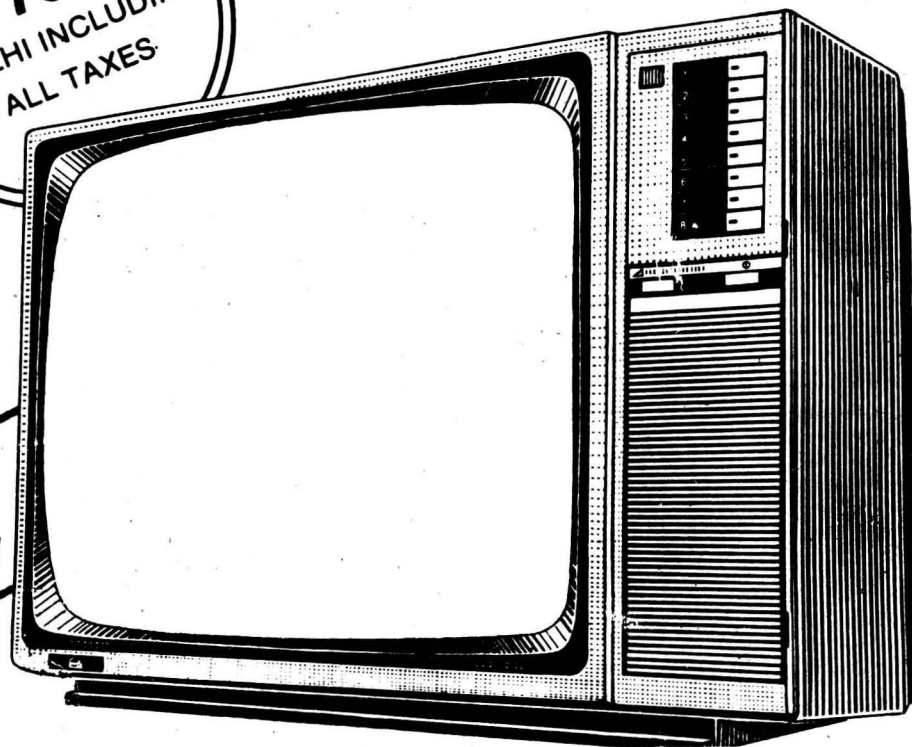
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Indian President

Continued from page 3

defied or denied the demand from the Raj Bhavan the Governor would have reported under Article 356 that he was satisfied about a situation having arisen in which the Government of the State was not being run in accordance with the provisions of the Constitution, in particular Article 167(b). It is a breakdown of the constitutional machinery to refuse compliance with Article 167(b) the position is the same vis a vis Article 78(b). Repeatedly, the Supreme Court has laid down the law that the President and the Governor are virtually identical functionaries except in a marginal area which has nothing to do with this controversy. If today Prime Minister refuses, tomorrow the Chief Minister follows him. The law is the same for both; the right to be informed and the duty to disclose are alike.

A Caveat

A constitutional coup relying on the text of the scripture and rejecting its spiritual texture may happen if a dangerously literal interpretation were adopted of the living words of the Organic Law. We must all oppose it. I dread to read what Prof. Alen Glendhill wrote:

"Let us assume that a President has been elected who has successfully concealed his ambition to establish an authoritarian system of Government. One-fourth of the members of a House of Parliament, suddenly aware of the danger, give notice of a motion to impeach the President. Before the fourteen days within which it can be moved, the President dissolves parliament; a new House must be elected but it need not meet for six months. He dismisses the Ministers and appoints others of his own choice, who for six months need not be Members of Parliament and during that period he can legislate by Ordinance. He can issue a proclamation of Emergency, legislate on any subject and deprive the States of their shares in the proceeds of distributable taxes. He can issue directions to States calculated to provoke disobedience and then suspend the States' Constitutions. He can use the armed forces in support of the civil power. He can promulgate preventive detention ordinances and imprison his opponents." Again, that learned jurist has commented:

"The constitution vests the executive power of the Union in the President and provides that all executive action shall be taken in his name. The President is also given many powers, shortly to be discussed, but the last fourteen years have shown the world that India is a parliamentary democracy in which Ministers decide policy and carry on Government but the Constitution does not say in as many words that the President must act on ministerial advice;

what it says is that there shall be a Council of Ministers to aid and advise the President; no court may inquire into the question whether any, and if so what, advice was tendered to the President. What the Constitution contemplates is that normally the government shall be carried on by a committee of Ministers selected from the elected representatives of the people, but it recognises that circumstances may arise in which that system may break down, so it is desirable that there should be some authority empowered to continue the government and set about restoring parliamentary government as soon as possible. It is for this reason that the Constitution legally vests the executive power in the President."

I hope we love swaraj too much for Moghul Raj to return.

More fact, less hubris, more mutualism, less mistrust, and the dialectical statesmanship to foresee that in a Third World scenario of escalating tensions, with forces ready to fish in troubled waters, bouts between President and Prime Minister are unbecoming of both, deleterious to both and pathologically promoting of political instability. Power owes to the people. There may be exceptional situations where the President may be bound to demand the truth, the whole truth and nothing but the truth to enable him to fulfil his obligation to the Constitution. I should think it constitutional illiteracy not to ask where you must, not to give when you must. From the point of view of collection of information as a sine qua non for discharge of duties I would only quote Prof. Whitehead: "Duty arises from our potential control over the course of events. Where attainable knowledge could have changed the issue, ignorance has the guilt of vice."

A President of India, unlike the tenant of the White House, has but few functions and fewer prerogatives, although the latter has critical powers beyond the Court's review and many, in the rarest of rare cases, make a Prime Minister or unmake a Parliament, subject, of course to strict democratic conventions. A desperate or devious President is a constitutional cobra and the nation should never permit such noxious exercises. But the constitutional presence of the titular head is best respected by keeping him well fed on the fullest information about the affairs of the nation. "Ask and it shall be given"; is a Biblical version of what Berriedale Keith, an authority on the subject stated:

"The one clear rule is the sovereign is entitled to the fullest information in any sphere in which he has indicated desire to be kept informed and must be given it on any issue which comes before him. The rule does not help effectively so as to prevent

disputes arising as to failure to inform, but it precludes refusal to supply when asked for."

Confidentiality

Confidentiality as against the Presidency is constitutional boloney. The reservoir of information with the Union is no monopoly of a minister or military general, court or commission. It is the Republic's pool open to the President, the conduit being the Prime Minister. No known doctrine or executive privilege supports the contrary proposition. The ordinary citizen has restrictions based on the reasonable needs of security of State and other constitutionally sanctioned criteria inapplicable to the President any more than to the Prime Minister. It is one thing to say that the President cannot exercise executive power. It is another to argue that he shall not know his minister's operations.

Considering the question from a purely democratic angle, concentration of Power with bullet-proof secrecy, executive supremacy and three-line whip majority has an authoritarian potential of exponential awesomeness. Even if the trusted repository be the Prime Minister there is danger; all checks and balances will fail and the Republic will fall before the Frankenstein's monster. I fully concede that our Prime Ministers have been safely democratic, our institutions strongly self-conscious and our traditions dependably independent. But constitutional engineering, including justice measures must provide for crisis situations.

Based on Westminster, the cabinet has all the executive power; the prime minister has plenary freedom to bring in or dismiss any minister which means that he is the master who can order obedience or show the dissentient the door. The Prime Minister and his Cabinet command a majority in Parliament enforced by a three-line whip and penalised by forfeiture of membership, a high price to pay for dissent, what with the anti-defection law. Plausibly, a parliamentary majority is under the Prime Minister's control.

If one may sound the alarm about functional fascism with the trappings of republicanism, even the higher judiciary are in the final analysis chosen by the Prime Minister—a tenancy which may rubberize our robbed brethren in all their regalia. (Certainly our judges are now fearless and free but future shocks must be pre-emptively arrested). In this scenario, with the Official Secrets Act still a spectre for the civil services and Article 311 greatly diluted by constitutional interpretation, senior public servants may well jettison for survival or success as boneless wonders to please *one man!* And that man may be kept under some check through a mechanism beyond his power to manipulate viz. the President, provided he has the constitutional authority to claim from his Government full information functionally relevant to good administration—a minimal audit, not messey interference.

If that residuary right to present an invigilatory interrogatory is constitutional anathema to the Prime Minister even when it proceeds from the President of India elected by an august electoral college, then the accountability of the Rashtrapati stands negated, his expensive office a pompous redundancy and the authoritarianism of the head of government an unchecked opportunity.

In a country where at all levels the culture of *bhakti* and the practice self-surrender to the Absolute One as the only route to materialist *moksha* are popular arts, where Speakers and antidefection legislations may prove terrors beyond judicial fire-fighting the Presidential presence, obsolescent for many reasons, may be a purposeful process in a democratic sense only if his right to information, to advice and to warn the Cabinet is exercise with realistic responsibility, effective frequency and intelligent tenacity. This is the politics and juristics of Article 78 of the Constitution. No Judas shall betray this interpretation for then, the Christ in the Constitution will soon face crucifixion. True, today our Prime Ministers and Chief Ministers may be democrats, the checks and balances potent breaks; and parliament perform as a grand national inquest. But a nation lives through generations and a constitution is an enduring deed.

Case of Refusal

Some wiseacres in unwitting naivete ask what will happen if the Prime Minister refuses information to the President. If the situation under the Constitution clearly mandates the Prime Minister to furnish the facts asked for, the sanction behind the demand is the Constitution itself. No one can breach a well understood or interpreted article of the *suprema lex* because "be you ever so high the Constitution is above you". Otherwise, in the same strain, wags may ask what if the Court's writ is violated by the Executive? Nixon nearly thought so but never dared so. Once violation at some level takes place, we never know where we end up.

The Generals may take the cue as they do elsewhere. Presidents may go berserk like old monarchs. Intoxicated arrogance is controlled in the ultimate analyses, by a people with a lively awareness of their constitutional politics. The best contribution to the constitutional order the President and the Prime Minister may make is to remember that both will lose the battle if they do no make up. More than that, that the Constitution will be a paper tiger and country's democracy a casualty. Articles 74 and 78 in their catalysed co-existence, have a potency which should not be belittled. The current imbroglio may be easily cleared if only the exalted duo act on learned authority found good in British democracy. The first controversy relates to the President's hesitancy to assent to the Postal Bill.

Modelled substantially on parameters inherited from the constitutional culture of the Buckingham Palace and No. 10 Downing Street, we may have to adopt, innovate and fashion an Indian Constitutional Jurisprudence which will uphold and advance the right of the people to good Government and harmonious relations between the President and the Prime Minister.

Juristic statesmanship creatively exercised is the need of the hour if the Prime Minister is not to become feuhrrer and the President is not to be reduced to a ceremonial nitwit with costly rituals lavished. Nor, indeed can the President or Governor be allowed to incarnate as avatar to uphold the constitution by taking over the reins of administration by reading the laws' euphemism as literal realism. Both have purposes to serve and the Constitution is above them both:

"The historian can tell you probably perfectly clearly what the constitutional practice was at any given period in the past, but it would be very difficult for a living writer to tell you at any given period in his lifetime what the Constitution of the country is in all respects, and for this reason, that at almost any given moment.....there may be one practice called 'constitutional' which is falling into desuetude and there may be another practice which is creeping into use but is not yet constitutional."

It is vital that the Constitutional order runs smooth if the nation is to stand united and integrated. So the President and the Prime Minister must play the game, which means that the Rashtrapati is more than a ceremonial unsequence. His information armour is a safeguard and a sword. He is a power for national integrity but never a rival power to govern. Clement Attlee spoke rightly that "a conscientious, constitutional monarch is a strong element of stability and continuity in our constitution. "De-stabilisation beings, paralysis creeps in, when the "tallest two" swear to uphold the Constitution (against each other)?



Deforestation

Continued from page 6

other social workers are also trying to bring to wider notice the real condition of the people and in a small way also to mobilise them to assert their rights or to participate in such constructive programmes as can help in the ecological and economic regeneration of the area.

Programme of Action

While all these efforts raise some hopes, still there is a very obvious need to formulate a programme of action (including constructive as well as agitational approaches) around which sincere and honest activists can unite for more effective mobilisation of people, leaving aside the narrower type of differences as long as they

agree on the basic programme. In the context of a specific rural situation this will imply a campaign against liquor and against superstitions and for such soil-conservation and afforestation work as is within the capability of the villagers.

This is the constructive aspect to which by itself cannot take the people very far because their basic problems arise from an unjust system. So this has to be combined with a movement for more funds for backward neglected areas such as these, better and more extensive relief work, curbing of corruption in development programmes, releasing bonded labour, restoring alienated land and related issues.

(N.F.S. INDIA)

Plight of Dalits

Continued from page 4

As reported by the Commission on Scheduled Castes & Scheduled Tribes, hardly a day passes without some atrocity being committed on these poor agricultural labourers when they dare to ask for the legally prescribed minimum wage. Even at low wages the labour force does not get employment in agricultural sector. The landless labourers U.P. and Bihar numbering over two lakhs migrate every year during the harvesting season to Punjab, to eke out their living.

Moreover, in 1978 the Govt. of India appointed the Commission for Scheduled Castes and Scheduled Tribes in order to supplement the functioning of the Commissioner for SC/ST.

About one fourth of the population of India comprise Scheduled Castes and Scheduled Tribes and other backward classes. They constitute the poorest section of the society. According to 1981 census, the scheduled Castes number 10.48 crores and constitute 15.75% of the total population. 84 per cent of the SC population live in villages, bulk of the Urban S.C. population reside in slums.

The scheduled Tribes are 5.16 Crores constituting 7.76 per cent of the population. The Scheduled Tribes live mostly in well-defined but isolated hilly areas which are often inaccessible and under-developed. The successive plans contained programmes and provisions for the improvement of living conditions of the poor but did not make discernable dent of the misery of the down-trodden section of the society.

As a result of various programmes, in the Sixth Plan the Strategy of Special Component Plan for development of the S.C. aiming at their economic and educational development and bringing about improvement in their working and living conditions was introduced. Similarly for scheduled tribes Tribal Sub-

Plan comprising identification of Integrated Tribal Development projects, earmarking of funds, formulating appropriate policies & programme was introduced.

Besides, there are other programmes for poverty alleviations, employment and social justice like Prime Minister's 20 point Programme which includes Attack on Rural Poverty; Justice to Scheduled Castes and Scheduled Tribes, National Rural Employment Programme (NREP), the Integrated Rural Development Programme (IRDP) Rural Landless Employment Guarantee Programme (RLEGP), Training of Rural Youth for Self-Employment (TRYSEM), etc.

Achievement

India got freedom in 1947. We had about four decades of self-rule. There is no denying the fact that there has been development in the country but to what extent the fruits of development have trickled down to the poor, does not present a happy state of affairs.

According to Seventh Plan Document, the percentage of people below poverty line in 1983-84 in rural areas was 40.4 against the overall figure of 37.4%. In so far as rural population is concerned about 84% Scheduled Castes live in Villages and majority of them are landless workers, a singularly low paid occupation. Their contribution in agricultural production is

considerable and their compensation minimum.

As reported by the Commission on Scheduled Castes & Scheduled Tribes, hardly a day passes without some atrocity being committed on these poor agricultural labourers when they dare to ask for the legally prescribed minimum wage. Even at low wages the labour force does not get employment in agricultural sector. The landless labourers U.P. and Bihar numbering over two lakhs migrate every year during the harvesting season to Punjab, to eke out their living.

Thus, majority of the population below poverty line belongs to Scheduled Castes. The Commission on SC/ST has rightly stated that 'the fruit of development generated by the implementation of various schemes left the Scheduled Castes by the way-side. According to Dr. Neelkant Rath hardly 10 per cent of the targeted beneficiaries have been able to cross the poverty line with the help of rural development scheme. However, the Reserve Bank study had put the numbers of beneficiaries of rural scheme at 17 per cent.

Poverty

According to a recent survey conducted by the U.P. Government in connection with the formulation of Special Component Plan for the Seventh Five Year Plan (1985-1990) 64.7% of the Scheduled Castes families have been reported to be living below the poverty line. In rural areas, the percentage of those living below the poverty line is, however, as high as 73.9% as against 38.8% for urban areas. According to 1981 census, the Scheduled Castes population U.P. is 2.34 crores which is nearly one fourth of the total Scheduled Castes population of the Country. There is no denying the fact that majority of Dalits are living below poverty line.

Poverty breeds mal-nutrition and diseases. However, the irony of fate is that poverty exists amongst plenty—obviously because of inequitable distribution of national wealth. Take the case of illiteracy, the maximum number is from the Scheduled Castes/Scheduled Tribes. The Children of the under privileged suffer from various handicaps viz. cramped quarters, low parental educational background, and malnutrition. How can they be expected to compete with the privileged ones.

To treat un-equals as equal tantamounts to inequality. Therefore un-equals should be raised and lifted to the levels of the equals. Thus they need special facilities. According to the 1981 census, the literacy rate in the country is 36.17, as compared to this the literacy rate for S.C. is 21.38 and it is 16.35 for Scheduled Tribes. We have still a lot of distance to cover.

Untouchability

Untouchability has been abolished under article 17 of the Constitution but its eradication through the administration and law is limited. Hence this scourge still persists. The situation has been reported by the Commissioner for SC and ST

Untouchability has been abolished by law. But can one dare say that vicious practice has altogether disappeared from our society? What to say of rural areas, even in cities and towns untouchability continues to be observed in one form or another.

The untouchability offences Act 1955 was found wanting and has now been substituted by the Protection of Civil Rights Acts. Which came into force on 19th Nov 1976.....The Commission for SC/ST have also gone into this social problem. They have inter-alia recommended stepping up publicity through the media, observance of a fortnight every year in which special attempts should be made to eradicate untouchability by arousing awareness amongst the masses through the holding of meetings, conferences, discussions, seminars, inter-caste dining and the like will be useful.

Besides untouchability the SC/ST suffer from the curse of 'Bonded Labour' system and out of the bonded labour so far identified 80% belong to SC/ST. No doubt bonded labour stands abolished with the passage of Bonded Labour System (Abolition) Act 1976 but serious and sincere efforts are required to achieve its objectives.

Safeguards

Various legal and administrative safeguards provided to the SC/ST are not relished by the 'HAVES'. Thus, those who belong to the favoured and possessing classes, try to retain their positions by methods of coercion. Thus, atrocities on the SC/ST by other castes have been increasing in magnitude and brutality.

It has been reported by the Commission for SC and ST that from the year 1980 onwards, the number of atrocities on Scheduled Castes has been constantly rising and in 1982, as many as 15054 cases of atrocities were registered against 14308 in 1981 and 13866 in 1980. The highest number of atrocities was registered in Madhya Pradesh during the years 1981 & 82, followed by Uttar Pradesh, Bihar and Rajasthan in descending order.

In the recent past on 8th July, 1986 ten poor persons belonging to the backward caste Kahara were killed by the landlords of Bhumihar community in Kansara village in Gaya District of Bihar. The grievous position was taken notice of by the Parliament and a special discussion was held on this subject in the Lok Sabha in Aug. 1986. The members appealed for a national outlook on this problem besides appropriate administrative and legal action.

It has however been reported that inordinate delay takes place at various levels in the disposal of cases of atrocities

on the SC/ST in courts of law, as a result of which large number of cases are pending in the courts. In this context the observation of justice V.R. Krishan Iyer is worth quoting.... "most Judges are governed by a 'class subconscious, for the judge is a human being with certain inherited biases and attitudes. As such they often act as agents of the propertied against the proletariat."

No doubt Govt. help and patronage is necessary but the down-trodden should remember the words of Dr. Ambedkar "Lost rights are not regained by begging and by appeals to the conscience of the usurpers, but by relentless struggle."

Unfinished Task

In pursuance of the provisions in the Constitution the Govt. of India issued orders regarding special representation for SC/ST in the services which were made applicable with effect from 26.1.1950. Besides the Govt. offices, Public Undertakings, Statutory Bodies, Autonomous Bodies and Banks employ large number of people. The reservation order were extended to Statutory Bodies in 1954. In the case of Public undertakings, directives were issued by the Govt. in 1969 for reservation for SC/ST on the pattern of Govt. offices. This policy has also been extended to the Nationalised Banks. No doubt there has been representation of SC/ST in various offices/bodies of Govt./Under the Govt., but still there is large short-fall in the prescribed percentage.

It is unfortunate that certain vested interest and misguided elements are carrying out crusade against reservation. Though volumes can be written to justify reservation but suffice to say that the highest court of justice has upheld the reservation orders. Moreover, the Prime Minister set at rest any speculation about reservation in his categorical statement at press conference in July 1985 that 'one thing should be absolutely clear that the reservation for the SC/ST are in no way under question and there is no question of changing or altering these at all'.

As stated earlier the Founding fathers of the Constitution envisaged true egalitarian social order in the society securing equal status for all citizens. The privileged and the deprived have to be partners in the socio-economic revolution, to bring about 'SAMATA ERA'. It has however, to be remembered as pointed out by justice retired V.R. Krishna Iyer that 'to right the wrongs of the tongue-less, battered, police haunted, poverty bitten human beings is not an act of bounty but a duty for those who have vowed to uphold the Constitution and the law.'

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Terrorism on the Rampage

Raj Gill

The massacre of the bus passengers in Lalru, Punjab and Daryapur, Haryana, is horrendous. There is not a word potent enough to condemn the bloodthirsty act of the terrorists in these three bus incidents in the two states. It is immaterial which community the dead belonged to. They were human beings. And the life of a single human being is as important as that of a million or the entire humanity. It is also immaterial which community the killers belonged to. Because they certainly could not belong to the community of man. They could not belong to the society of homo sapiens. Whoever they were they were criminals. Criminals of the worst kind. And they must be treated as criminals. Punished as criminals. They have alienated themselves, for ever, from the ken of human compassion; even political pardon.

It is all the more sad that these incidents of brutality came close on the heels of the carnage that the terrorists perpetrated last month, June, in Delhi, at a birthday party and elsewhere. The combined shock of the four incidents in so short a span of time and outside Punjab, the main operational fields of the terrorists, involving 90 deaths and a larger number

of injured, has numbed the mind of people to such an extent that all the reaction that they have demonstrated to these ghastly incidents has been muted anger. It will not be a surprise if the sheer brutality of the incidents drive the people over the emotional-reaction brink into the passive, morbid quagmire of placid resignation, taking death and bloodshed as a part of their fate. If it happens it would be the saddest and the most tragic outcome of the situation. As such it is wrong on the part of the authorities and the political leaders to exhort the people not to react; to stay complacent and hopeful. What should be stressed is that the people should not react in kind, that is, blood for blood, both emotionally and socially so that an active atmosphere of cooperation can be established in which the law and order authorities can act and operate more efficiently and promptly.

Threatening Projections

What is more tragic than the gory incidents even is the effort of the government and political parties to project the situation in such an exaggerated manner as to make a common man shiver in his

shoes; and for the terrorists to believe that a reign of terror, which it is not yet come to, can put them on top of the world. They forget history. History does not hold any evidence to such claims at any time. There have been Hannibals, Huns, Mongols, Turks, Nazis; and some communist regimes too who also were obsessed by the mosbegotten notion that terror can make them supreme on earth and the ruler of all they could survey. They came to as bad an end as they perpetrated for others.

It cannot be different now, particularly when peoples are more aware of their surroundings and concerned with their future than ever before. All the more so because nations do not any more deal with the terrorist activity singly but are joining hands by the day. The day is not far when all the governments irrespective of the form of their governments will make a concerted effort to weed out this cancerous growth on the body of humanity.

But where the terrorist activities are not as superbly organised as with some of the internationally known terrorist bodies and the incidents of violence are scattered and unconnected, nor have any pattern, there the problem becomes localised and the treatment for it had to be different, more individual and generally social. No doubt, we cannot at any time sideline the law and order authority because ultimately it is this authority that has to deal with the terrorist criminals.

Limitations

The government are the watchman of the organised disciplined and peaceful functioning of a developed society; and that the police is the custodian of the laws accruing from such a society. But both have their limitations. Whatever happens ultimately, and that which shapes up as the future of the organised society, come to from the general will of the people. And if the people become morbid and resigned, the society to which they belong is doomed. None would want such a fate.

The massacre of Lalru in Patiala and Daryapur in Haryana, took place within easy striking distance of the Punjab-Haryana border. The second day's carnage at Daryapur was totally unexpected and, therefore, more shattering. Because it happened after the Lok Dal Chief Minister of the Haryana made the announcement that that State had been put on red alert and that the border with Punjab sealed. But the terrorists struck, and successfully.

This made a much debated point clear, that is, whether the terrorists involved in all of the ghastly, gory incidents or



The ill-fated bus.

violence and death are illiterate, plebeian youngsters from rural Punjab or are trained and brainwashed guerillas. The evidence points towards the latter. The operations in Patiala and Hissar have been planned well and meticulously. They were carried out with a drilled precision. And they were sans any human emotions or feelings which is the hallmark of the professional killers.

As such it would be wise on the part of the government, particularly, and the people, generally, to attribute these gory incidents as mere pranks on the part of wayward youth or acts of vendetta. Revenge is always clearly defined and directed. Its targets do not change with time. But terrorist acts by professional killers are always diffused and wild, without a set target or delineated field of operation. They are not hit-and-run acts also because each one of them, however distant and different from the preceding one, is planned properly, choosing the suitability of place, and convenience of escape.

The three bus tragedies in two days have been condemned as dastardly, inhuman acts of the worst kind of bestiality by all political parties, including the Shiromani Akali Dal and the splinter groups.

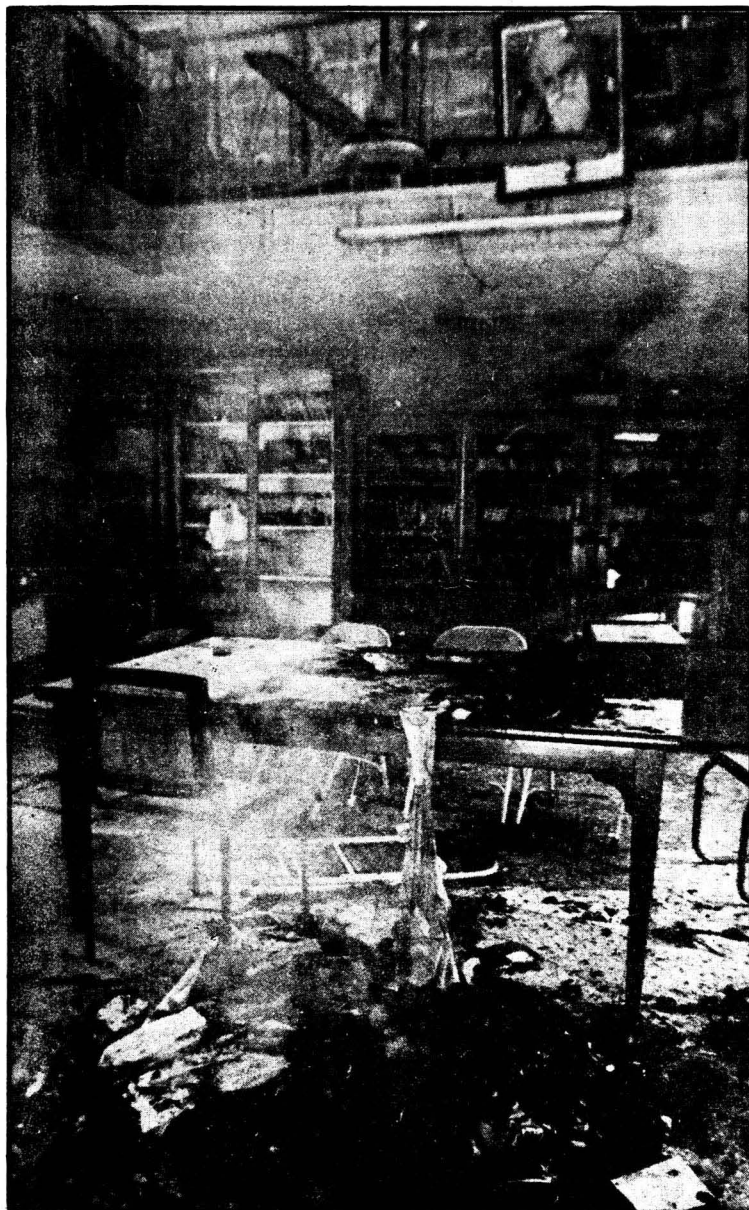
Misjudged

The terrorism in Punjab has been misjudged and miscalculated by all concerned with it, be it government, political leaders or the uniformed custodian of law and order. This alone, has been the secret of the easy success of the terrorists in Punjab, Delhi

and Haryana. Looking back at the major tragedies caused by the terrorists, ranging over Kapurthala, Muktsar and Khudda shooting of bus passengers, mass execution of the families, radio bombs and so on, till the recent tragedies, they do not have any regular pattern. This tells us that their activity is not ideology-oriented but destruction-oriented whatever is the driving force behind it. That is what all administrative endeavours to eliminate terrorism from Punjab have largely failed. That is why they have been as bloodthirsty in the Akali regime as they were in the Congress (Darbara Singh) regime or as they are today under the President's rule.

It is the absence of a definitive ideology behind their death missions that make them so unpredictable, often inconsistent and even sporadic. Couple with it the hospitable and sympathetic atmosphere in which they operate, then you will realise that it is not they who are frustrated, as the police has over-taxingly claimed, but the police itself and the other paramilitary agencies associated with it who are frustrated, because they cannot see and count the stripes of their enemy to give it a positive identity and thus make it a clear-cut target for their action. It is high time that the police and other concerned should change their thinking vis-a-vis terrorists, shed their complacency as to the latter's wakening strength and get rid of the tacit assumption that the terrorists are on the run. They are not. Because they are individual clusters and not groups and large forces as they have been projected so far by

Continued on page 13



Retaliatory violence.